

Chapter 115 Leak Detection and Repair Alternative Work Practice Rulemaking Project

June 23 - 26, 2009





Overview

- Background
- Concept and Schedule of the Rule Project
- Informal Stakeholder Comments
- Questions and Discussion



Background



Background

- EPA finalized the alternative work practice for fugitive emission leak detection and repair (LDAR) requirements in federal regulations in December 2008
- During stakeholder meetings for rulemaking to implement House Bill 1526 for an incentive program to use gas imaging technology, stakeholders commented the agency should allow this alternative technology in Chapter 115 fugitive emission LDAR rules



Background

- There are three Chapter 115 fugitive emission LDAR rules
 - Subchapter D, Division 2
 - General volatile organic compound (VOC) fugitive emissions
 - Applies to Gregg, Nueces, and Victoria Counties
 - Subchapter D, Division 3
 - General VOC fugitive emissions
 - Applies to Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria Ozone Nonattainment Areas
 - Subchapter H, Division 3
 - Highly reactive volatile organic compound (HRVOC) fugitive emissions
 - Applies to the Houston-Galveston-Brazoria Ozone Nonattainment Area



Background

- All three Chapter 115 LDAR rules have been submitted to and approved by the EPA and are included in the Texas state implementation plan (SIP)
- The general VOC LDAR rules (Subchapter D, Divisions 2 and 3) are Reasonably Available Control Technology (RACT) Rules
- The HRVOC LDAR rule (Subchapter H, Division 3) is more stringent and has SIP credit attached, approximately 7 tons per day of HRVOC reductions



Concept and Schedule of the Rule Project



Concept

- Revise all three Chapter 115 LDAR rules (Subchapter D, Divisions 2 and 3, and Subchapter H, Division 3) to allow the use of gas imaging technology as an alternative work practice for finding fugitive emission leaks
- Chapter 115 alternative work practice would be similar to or the same as the EPA alternative work practice
- Use of the alternative work practice would be optional



Concept

- The alternative work practice would be integrated into the Chapter 115 rules, not just cited by reference to the EPA regulations
 - The rules will be easier to understand and requirements that no longer apply when using the alternative can be clearly specified as such.
 - Certain parts of the Chapter 115 LDAR rules are not compatible with the EPA alternative work practice
- The Chapter 115 LDAR alternative work practice would not be an incentive program



Rulemaking Schedule

- Tentative rule proposal: December 2009
- Tentative formal comment period and public hearings: January 2010
- Tentative rule adoption: Early Summer 2010



Informal Stakeholder Comments



Informal Comments

- The stakeholder group is open participation, so anyone can comment
- Any comments regarding revising the Chapter 115 LDAR rules to include a gas imaging technology based alternative work practice are appreciated
- There are some topics that TCEQ is specifically requesting comments on



Informal Comments

- Quantification of fugitive emissions
 - Current gas imaging technology cannot quantify emissions
 - The requirement for annual Method 21 in the EPA alternative work practice will not address quantification of leaks detected and repaired between the annual Method 21 screening
 - Certain parts of the Chapter 115 LDAR rules are tied to quantification, for example §115.782(b)(1) requires first attempt to repair leaks over 10,000 parts per million no later than one business day after the leak is detected
 - There are still emissions inventory reporting requirements for fugitive emissions
- TCEQ is seeking comment on how to handle quantification with an alternative work practice LDAR approach



Informal Comments

- Demonstrating equivalency
 - TCEQ must demonstrate to EPA Region 6 that allowing the alternative work practice in Chapter 115 is not backsliding under the Federal Clean Air Act
 - TCEQ anticipates that the general VOC LDAR rules in Subchapter D can be shown to be no more stringent than the federal LDAR rules that EPA already allows the alternative work practice
 - Additional research may be needed to show that the HRVOC LDAR rules would be equally effective if an alternative work practice approach was allowed
- TCEQ is seeking comment on how best to demonstrate equivalency for allowing an alternative work practice under the Chapter 115 LDAR rules, particularly the HRVOC LDAR rules



Informal Comments

- Effective use of gas imaging technology
 - The EPA alternative work practice does not specify detailed procedures for the use of gas imaging technology or require training
- TCEQ is seeking comment on the following
 - Ways to ensure gas imaging technology is used effectively to find fugitive emission leaks
 - Whether training should be required for operators using gas imaging technology



Informal Comments

- Please submit comments by July 14, 2009
- When submitting comments:
 - Clearly identify any confidential information
 - Provide as much detail and technical information as possible
 - If referencing a specific document (e.g., a research study, state rule, etc.), please provide a copy, web link, or citation for the information



Informal Comments

- TCEQ will not be officially responding to any informal comments
- Written comments (non-confidential information only) will be posted on the stakeholder group web page:

http://www.tceq.state.tx.us/implementation/air/rules/ldar/ldar_awp.html



Informal Comments

- Electronic comments are preferable, and may be submitted via e-mail to siprules@tceq.state.tx.us
 - All electronic comments should reference “Chapter 115 LDAR – AWP Rulemaking” in the subject line
- Mail comments to Vincent Meiller, MC-206, Air Quality Division, Chief Engineer’s Office, TCEQ, PO Box 13087, Austin, TX 78711-3087
- Fax comments to (512) 239-5687



Questions and Discussion