

The Texas Commission on Environmental Quality (TCEQ or commission) withdraws the proposed repeal of §116.620 as published in the August 13, 2010 issue of the *Texas Register* (35 TexReg 6997).

The commission will submit a request to the United States Environmental Protection Agency (EPA) to remove the section from consideration as a revision to the state implementation plan (SIP).

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE WITHDRAWN PROPOSAL

In concurrent actions, the commission is issuing a new non-rule standard permit for the construction and modification of oil and gas facilities which will replace §116.620, Installation and/or Modification of Oil and Gas Facilities for new and changed facilities. These concurrent actions also include the adoption of a new 30 TAC §106.352, Oil and Gas Production Facilities. The new permit by rule (PBR) and standard permit will provide an updated, comprehensive, and protective authorization for many common oil and gas sites (OGS) in Texas. The PBR and standard permit include operating specifications and emissions limitations for typical facilities and equipment during normal operation, which includes production and planned maintenance, start-up, and shutdown. The PBR and standard permit specifically address the appropriateness of multiple authorizations at one contiguous property and would reference the many new federal standards which have been promulgated by the EPA, as well as include revised criteria for registration and changes at existing, authorized sites. A more detailed discussion of the factual basis is in the preamble of the new PBR in a separate section of this publication of the *Texas*

Register. The standard permit in §116.620 will remain available for new projects until the effective date of the non-rule standard permit for the construction and modification of oil and gas facilities, and for existing authorized facilities under §116.620 until the individual standard permit registration is renewed on or after January 1, 2015.

SECTION DISCUSSION

§116.620, Installation and/or Modification of Oil and Gas Facilities

The proposed repeal of §116.620 is withdrawn. Instead of pursuing the repeal of §116.620, the commission has determined, in consideration of public comments on the implementation of Air Quality Standard Permit for Oil and Gas Sites, that §116.620 must remain available for new projects and related facilities located in the 23 counties identified as the Barnett Shale until February 1, 2010, and for all other locations until January 5, 2012, when the non-rule standard permit requirements are first effective for new projects. This is consistent with the requirements in subsection (a)(1) of the new non-rule standard permit. In addition, the requirements of §116.620 remain effective for facilities previously registered under this standard permit until renewal of registrations are processed under 30 TAC §116.604, Duration and Renewal of Registrations to Use Standard Permits, on or after January 1, 2015. This is consistent with the requirements in subsection (f) of the new non-rule standard permit. This amendment will prevent conflicting authorization methods for the same types of facilities. The commission will also withdraw §116.620 from consideration as part of the SIP.