

SUBCHAPTER C: VOLUNTARY SUPPLEMENTAL LEAK DETECTION PROGRAM
§§101.150, 101.151, 101.153, and 101.155
Effective June 24, 2010

§101.150. Purpose and Applicability.

(a) Purpose. The purpose of this subchapter is to provide a program that encourages and provides incentives for voluntary monitoring of components not subject to commission rules for leak detection and repair in effect on the date of detection, using remote sensing technologies, such as optical gas imaging technology. Participation under this subchapter is voluntary. Failure to comply with the requirements of this subchapter results in ineligibility for an incentive in §101.155 of this title (concerning Program Incentives). Failure to comply with any requirement of this subchapter is not a violation of a commission permit or rule subject to commission enforcement action.

(b) Applicability. The following sources are eligible for participation in the program - any authorized equipment or facilities in VOC service, including processing, storage, and transfer:

(1) that are not subject to a required fugitive monitoring program; or

(2) where an alternative leak detection method is not the monitoring method required in a permit or rule.

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§101.151. Voluntary Supplemental Leak Detection Definitions.

(a) **Alternative leak detection technology** - Technology other than that specified by the United States Environmental Protection Agency Method 21, including optical gas imaging technology, designed to detect emissions of air contaminants.

(b) **Imaging** - A means or process of making emissions visible that may otherwise be invisible to the naked eye.

(c) **Leak** - For purposes of this subchapter, a leak is any emissions imaged by an optical gas imaging instrument, as defined in this section.

(d) **Optical gas imaging instrument** - An instrument that makes emissions visible that may otherwise be invisible to the naked eye.

(e) **Repair** - The adjustment or alteration of a component in order to eliminate a leak.

(f) **Supplemental detection method** - Any leak detection method that supplements or adds to an existing technology approved by the executive director such as 40 Code of Federal Regulations Part 60, Appendix A-7, Method 21 monitoring program.

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§101.153. Voluntary Supplemental Leak Detection Program.

(a) General program objective. Owners or operators are encouraged to voluntarily and routinely use an alternative leak detection technology to detect and repair leaks not otherwise detectable.

(b) Elements of an approvable program. In order to be considered for approval a program must include, at a minimum:

(1) A schedule for leak surveys to be conducted at least once per year.

(2) If optical gas imaging is the supplemental detection method used, then the leak detection devices shall meet the following specifications:

(A) the requirements of 40 Code of Federal Regulations (CFR) §60.18(i)(1) (December 22, 2008); and,

(B) the requirements of the daily instrument check as specified in 40 CFR §60.18(i)(2) (December 22, 2008).

(3) The daily instrument check must be performed by each person that is performing imaging for that day.

(4) If optical gas imaging is the supplemental detection method used, any person that performs the supplemental leak detection of this subchapter shall comply with the following minimum training requirements:

(A) The operator of the optical gas imaging instrument must receive a minimum of 24 hours of initial training on the optical gas imaging instrument before using the instrument for the purposes of the supplemental leak detection in this section.

(B) Operators using optical gas imaging instruments for this supplemental leak detection shall comply with one of the following requirements for on-going training purposes:

(i) operators shall attend an annual eight-hour refresher training class on the optical gas imaging instrument used for this supplemental leak detection; or

(ii) operators shall maintain a minimum of 100 hours annually of hands-on operational experience with the model of optical gas imaging instrument used for the supplemental leak detection. Operators electing this option shall maintain a written record of the operator's operational experience with the optical gas imaging instrument.

(c) Exceptions. The following information cannot be used to support a program incentive under this subchapter:

(1) where the leak was independently detected, or an investigation of the leak was initiated by the executive director or personnel of any air pollution program with jurisdiction, before the leak was detected by the owner or operator;

(2) information resulting from an audit performed under the Texas Environmental, Health, and Safety Audit Privilege Act; and

(3) emissions from equipment or facilities constructed or modified without authorization.

(d) Repair.

(1) Except to the extent that the size and complexity of the repair warrants a repair period in excess of 45 days, repairs must be completed within 45 days of the leak detected by the alternative leak detection technology. If the repair of a leak within 45 days after the leak is detected would require a process unit shutdown that would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled process unit shutdown; and,

(2) The leak and its repair must not have caused a nuisance (as defined in §101.4 of this title (relating to Nuisance)).

(e) Recordkeeping. The owner or operator participating in this program shall maintain records on site, or at a pre-determined off-site location, for five years. Records must be available for inspection by the executive director or local air pollution control program with jurisdiction upon request. The records must include:

(1) If optical gas imaging is the supplemental detection method used:

(A) digital recordings of the leak when first observed;

(B) recordings which document the successful repair of the equipment or component;

(C) all digital recordings of leaks and repairs shall be saved in a non-proprietary file format; and,

(D) the digital recordings of leaks and repairs shall contain information readily available from the camera including date, time, and camera settings.

(2) Documentation demonstrating compliance with approvable program elements listed in subsection (b)(1) - (4) of this section.

(3) The records will include information on the completion of the repair sufficient to demonstrate compliance with this program.

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§101.155. Program Incentives.

If leaks are detected and repairs are completed and recorded in compliance with this subchapter, one or both of the following incentives will be awarded:

(1) Compliance history-based penalty reductions. The participation of the owner or operator in this program may be applied to the Compliance History in a manner consistent with Chapter 60 of this title (relating to Compliance History); or,

(2) Conditional limit to enforcement action. To the extent consistent with federal requirements, the commission may not take an enforcement action against an owner or operator of a facility participating in the program established under this subchapter for a leak or an emission of an air contaminant that would otherwise be punishable as a violation of the law or of the terms of the permit under which the facility operates if the leak or emission was detected by using alternative technology and it would not have been detected under the commission 's regulatory program for leak detection and repair in effect on the date of the detection.

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