

TCEQ, Air Permits Division
Agricultural Air Standard Permits Advisory Group
November 12, 2007
2:00 P.M. – 4:00 P.M.
TCEQ, Austin Campus,
Bldg. B, Rm. 201A

Minutes

I. Opening Remarks.....Jim Fernandez, Mike Wilhoit

Mr. Fernandez of the TCEQ Office of Public Assistance opened the meeting and asked that all participants speak into the microphone so that their comments would be captured on the audio recording. Mr. Wilhoit introduced TCEQ Air Permits Division (APD) staff who would be participating in the meeting: Anna Rodriguez, Technical Specialist, Technical Program Support Section (TPSS); Tara Capobianco, Team Leader, Rules Development Team, TPSS; Mike Wilson, Section Manager, Air Permits Mechanical, Agricultural, and Construction Section; and Robert Opiela, Team Leader, Air Dispersion Modeling Team, TPSS. After staff introductions, Mr. Wilhoit gave a brief overview of the types of authorization used in TCEQ air permitting, and explained that standard air permits are just one possible method of authorizing a facility. Mr. Wilhoit then provided a brief overview of the standard permit development process, and indicated that these standard permits are not expected to be effective before late summer of 2008.

II. Discussion Topics.....Mike Wilhoit, Anna Rodriguez, Robert Opiela, Mike Wilson

A. Technical Requirements *Open Discussion*

Concerning the pipe reactor standard permit, a stakeholder asked where the APD acquired the 5 percent opacity requirement. The stakeholder commented that some other states allow higher opacity from these sources. The stakeholder also commented that opacity observations have some degree of uncertainty and this can be significant when reading a low opacity, such as 5 percent. Ms. Rodriguez stated that under Texas law, standard permits are required to meet best available control technology, and that units with emission rates similar to the emission rates used in the protectiveness review modeling were expected to be able to meet the 5 percent opacity limit. In addition, Ms. Rodriguez stated that maintaining an opacity below 5 percent would reduce the nuisance potential from these types of units. Ms. Rodriguez stated that if the industry believes the 5 percent opacity limit is not achievable, the APD would be willing to review any data or new information in considering a change to the opacity limit.

A stakeholder asked about the figures in the pipe reactor standard permit. For example, Figure 1 shows a 7.1 pound per hour (ammonia) zero-distance-limit threshold for a 20-foot stack height. The stakeholder asked how the emission rates in the tables were determined. The stakeholder asked if the 20-foot minimum stack height requirement still applies if the ammonia emission rate is less than (to the left of) the relevant stack height curve. The stakeholder commented that transporting and erecting a portable stack of that size would be difficult and costly. The stakeholder commented that the fertilizer industry has been proactively addressing emission-related issues in Texas. The stakeholder commented that the supply of superphosphoric acid is by rail, and depending on the time of year and the temperature, the viscosity of the acid may make pumping the liquid difficult. The stakeholder commented that pipe reactor facilities often have equipment in close proximity to the property line, where raw materials are typically received by rail. The stakeholder asked if there was an opportunity to negotiate the minimum allowable stack height in cases where the emission rate was below (to the left of) the threshold value in the applicable figure. Ms. Rodriguez explained that the stack height, emission rate, and distance limit relationships in the standard permit are based on modeling and, based

on that modeling, a 20 foot or higher stack would be necessary to ensure that the standard permit is protective, considering the emission rates that are typical for the industry. Ms. Rodriguez stated that in order to allow a lower stack height in the standard permit, the allowable emission rate associated with that stack would be very restrictive, and might not be usable by the industry. Mr. Opiela explained that the emission rates shown in the figures are a back calculation based on the modeled stack parameters and a pollutant impact level that was considered protective.

A stakeholder questioned the scrubbing technology required by the pipe reactor standard permit, which specifies that an acid wash will be introduced to the demister pad. The stakeholder commented that the specific technology should not matter as long as the unit meets the required emission rate. Ms. Rodriguez explained that the technology specified in the standard permit was based on the technology used in a previous permit for a stationary pipe reactor, which was known to work well. Ms. Rodriguez stated that the APD could evaluate or consider other scrubber designs, but it is problematic to leave such technology requirements open in a standard permit, because standard permits do not provide for a case-by-case review.

A stakeholder asked if the TCEQ's methodology or protocol for stack testing of pipe reactors is available. Ms. Rodriguez stated that, although the standard permit does not explicitly contain the testing protocols or methods, the methods for testing for the applicable pollutants are already generally available. Ms. Rodriguez stated that the testing is typically based on Environmental Protection Agency (EPA) protocols. Ms. Rodriguez said that the APD would provide an appropriate TCEQ contact to help resolve questions about sampling methods.

A stakeholder commented that the 180-day calendar operating time period specified in the definition of a temporary pipe reactor was adequate, and asked if there was a time limit for stationary or permanent units. Ms. Rodriguez responded that the pipe reactor standard permit does not impose an operating time limitation on stationary or permanent units. Ms. Rodriguez explained that the 180 day operating time limit for temporary pipe reactors was primarily meant to distinguish between temporary and permanent units; the 180-day operating time limit was not a critical factor in terms of the protectiveness of the standard permit.

A stakeholder asked how the 2880-hour per year operating time limit for engines under the pipe reactor standard permit was determined. The stakeholder asked if the 2880-hour limit applied to portable units, and Ms. Rodriguez indicated that the 2880-hour limit applies to both portable and stationary units.

A stakeholder commented that there is existing sampling data from some pipe reactors in Kansas, and stated that TCEQ staff had been involved in the sampling. The stakeholder commented that, due to the nature of the pipe reactor business and the intermittent delivery of raw materials, it can be difficult to schedule sampling. The stakeholder asked if it would be acceptable to use the existing Kansas test results to satisfy the standard permit sampling requirements. Ms. Rodriguez responded that the APD is open to considering out-of-state test results, but would need to audit the testing and ensure it meets TCEQ protocols.

A stakeholder commented that phosphoric acid is not volatile, and asked if the phosphoric acid emissions referenced in the pipe reactor standard permit referred to fugitive emissions. Ms. Rodriguez replied that the phosphoric acid emissions referenced in the standard permit relate to the fugitive emissions that occur when the acid is transferred from the railcar to the pipe reactor. Ms. Rodriguez said that testing for phosphoric acid fugitive emissions is not required, but the emissions must be quantified by calculations to ensure that the site meets the emission limit in the standard permit.

A stakeholder commented that the standard permit appears to require sampling within 24 hours of pipe reactor installation, and asked for clarification of what that meant. Ms. Rodriguez confirmed that the standard permit requires sampling within 24 hours, although the APD will consider comments or input as to whether that

schedule is too difficult to meet. Ms. Rodriguez stated that some pipe reactors are only operating at a given location for a short period of time, so there is a limited window during which testing is possible. Ms. Rodriguez noted that the APD will consider the use of prior testing of other units or prior installations, which may make it easier for some units to show compliance with the standard permit. Ms. Rodriguez invited further comment as to whether the 24-hour sampling requirement was workable. A stakeholder commented that sampling per EPA methods often takes two days to complete, so the TCEQ should take that into consideration.

A stakeholder asked, if the standard permit is issued, will PI-7 forms still be available for pipe reactors that cannot meet the standard permit stack height requirement (due to power lines at the site). Ms. Rodriguez responded that the APD plans to repeal the pipe reactor permit by rule once the standard permit has been issued, so it would not be available for new installations. Portable units would need to either meet the standard permit or apply for a case-by-case permit or portable permit.

A stakeholder commented on the requirement under paragraph (7)(A)(ii) of the pipe reactor standard permit that "No modifications other than relocation are made to the facility," and asked for clarification on what constitutes a modification. Ms. Rodriguez responded that the term modification as used in this requirement means a change that increases emissions, a change in the character of the emissions, or a change in the method of control of emissions. Ms. Rodriguez recommended that any holder of the standard permit that plans to make a change to the unit should contact the APD to ensure that any registration or sampling issues associated with the change are addressed.

A stakeholder asked for clarification about the emission limit on lead emissions associated with maintenance, startup, and shutdown (MSS) activities, in the pipe reactor standard permit. Ms. Rodriguez explained that any maintenance involving lead emissions must meet that emission limit.

A stakeholder asked for clarification of what records would need to be kept relating to MSS activities, under the pipe reactor standard permit. The stakeholder commented that agricultural facilities are often limited in staff. Ms. Rodriguez replied that records need to be detailed enough to demonstrate to TCEQ personnel that the facility meets the emission limits, usage rates, and other conditions of the standard permit. The stakeholder asked if maintenance that was performed in another state would be subject to the recordkeeping provisions or other requirements of the standard permit. Mr. Wilson responded that maintenance that is performed in another state would not typically be subject to the requirements of this standard permit, because the emissions would not be occurring in Texas.

A stakeholder asked if the 2880-hour operating time limit for engines under the pipe reactor standard permit was for the site, or per unit. Ms. Rodriguez responded that the time limit was for the site.

A stakeholder asked for verification that the pipe reactor testing is only an initial test, and there is no requirement for ongoing or refresher testing. Mr. Wilhoit responded that only initial testing is required. There is no requirement for ongoing testing in the standard permit.

A stakeholder asked if the provision that requires enclosed conveyors could be waived or if a variance could be granted in cases where the site is so isolated that the facility does not impact any neighbors or receptors. Mr. Wilhoit responded that the standard permit is a one-size-fits-all document, which does not allow for a variance or case-by-case exemption from the requirement for enclosed conveyors.

A stakeholder commented that the cotton gin standard permit does not allow any engines rated greater than 525 horsepower (hp), and suggested that this restriction be modified for greater flexibility for larger engines. The stakeholder suggested that the standard permit be revised to allow two engines of less than or equal to 525 hp, or one engine with a power rating of up to 1050 hp.

A stakeholder commented that in the cotton gin standard permit, subsection (4)(F) indicates that cotton burrs can't be stored at the site, but subsection (4)(G) suggests that cotton burrs can be stored if certain requirements are met. The stakeholder suggested that subsection (4)(F) be revised to clarify that cotton burrs may be stored in accordance with the requirements of subsection (4)(G).

A stakeholder asked if the TCEQ planned to phase out or repeal the existing permit by rule (PBR) for grain elevators, as the TCEQ plans to do with the existing PBR for pipe reactors. Ms. Rodriguez explained that the APD intends to amend the PBR for grain handling and storage to remove section (2) of the PBR that authorizes commercial facilities. At this time the APD intends to leave sections (1) and (3) of the PBR, which authorize noncommercial facilities and additional grain storage, respectively.

A stakeholder recommended that the TCEQ provide detailed guidance documents to help smaller sources calculate emissions correctly.

B. Administrative Requirements *Open Discussion*

A stakeholder asked for clarification about the requirement for written notification before a temporary pipe reactor is operated. Ms. Rodriguez responded that the notification would generally be a letter notifying the applicable TCEQ regional office that a temporary pipe reactor will be operated at the subject location.

A stakeholder commented that the notification requirements for burr grinders and portable augers are not necessary. The stakeholder commented that most of these units are only present for a short period of time, and many operators of burr grinders will not even be aware of the notification requirements. The stakeholder commented that many farmers use grain augers, and it may not be practical for them to notify the TCEQ. The stakeholder also commented that portable augers located at grain elevators are incidental compared to the rest of the source.

C. Other comments or questions..... *Open Discussion*

There were no other comments or questions from the audience.

III. Closing Remarks/Action Items..... Mike Wilhoit

Mr. Wilhoit said that the final standard permits are not expected to be issued before late summer of 2008, and that the formal proposals are expected to be available in approximately March of 2008, followed by a formal comment period, and at least one public meeting. Mr. Wilhoit reminded audience members to sign in if they had not done so already. Mr. Wilhoit stated that there would be another stakeholder meeting in Lubbock on Wednesday, November 14, at the Patterson Branch Library, beginning at 6:00 p.m.

IV. Next Meeting Date

November 14, Lubbock Patterson Branch Library, 6:00 p.m.

ATTENDEES

Advisory Group/Committee Meeting Si

TCEQ, Air Permits Division

Advisory/Stakeholder Group Name: Agricultural Air Standard Permits Stakeholder

Meeting Date: November 12, 2007

Meeting Time: 2:00 pm

Meeting Location: TCEQ Headquarters, Austin, Building B, Room 201A

Note: By providing this E-mail address, I hereby authorize the TCEQ to make

| Attendee's Name | Company/Organization |
|------------------|---------------------------------|
| Mike Wilhoit | TCEQ /APD |
| Ken Moore | COMPLIANCE/EQUALIZER |
| Donnie Dippel | TEXAS Ag Industries Association |
| Robins HAVINKA | Helena Chemical Co |
| Howard West | TEXAS Liquid Fertilizer |
| Michael Orr | Speedly Process |
| Joe Henry Harris | Triangle FNS |
| Kelley Green | TCEQ |
| MIKE MORITZ | TEXAS Liquid |
| Claude Breed | OBLLC |
| Becky Southard | TCEQ |
| MIKE WILSON | TCEQ |
| Anna Rodriguez | TCEQ |
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