

Certifications for the Oil and Gas PBR

Standard Permits do not require additional certifications because §116.115 states “*Standard permit representations. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section.*”

Quick link to the PBR:

<http://www.tceq.texas.gov/assets/public/permitting/air/Announcements/ezpbr-draft.pdf>

Why should a registration or project certify?

- To make PBR registrations federally enforceable.
- Certification is required as specified in the oil and gas PBR; see details below.
- To limit emissions or hours of operation, to certify a site is not applicable to a state rule or a federal rule, or to confirm that a site meets federal standards.
- A company decides to voluntarily certify a registration.

What reasons require certification for the oil and gas PBR 106.352, effective date February 27, 2011?

- For sites subject to the Title V federal operating permit program, to meet the requirements of a federal standard, or to confirm that a federal standard is not applicable.
- When establishing emission increases less than prevention of significant deterioration (PSD) or nonattainment new source review (NNSR) major source or major modification thresholds.
- When a project or registration includes control for reductions, limited hours, throughput, and materials or other operational limitations which are less than the potential to emit.
- When modeling is used to demonstrate compliance with impacts.
- When a project is located at a site subject to NO_x cap and trade requirements.
- When a project relies on controls to comply with any state or federal regulation.
- When projects are for resolving compliance issues and are the result of a commission or United States Environmental Protection Agency order.
- When an APD-CERT is submitted for certification, the APD-CERT must include facilities under paragraph (c)(1)(B) of the PBR; *see weblink below for APD-CERT.*

How do I certify?

- Submit a Form PI-7-CERT to certify a PBR registration (A Form PI-7 can be used instead if certification is not required.)
 - Web link for PI-7:
http://www.tceq.texas.gov/permitting/air/forms/permitbyrule/pbr_PI7_forms.html
 - Web link for PI-7-CERT:
http://www.tceq.texas.gov/permitting/air/forms/permitbyrule/pbr_pi7cert_forms.html
- A Form APD-CERT can also be submitted to certify, web link for APD-CERT:
http://www.tceq.texas.gov/permitting/air/forms/apd_cert_forms.html
- Submit certification via e-permitting; web link for e-permitting (ePermits):
<http://www.tceq.texas.gov/e-services/>

Who needs to sign a certification?

TCEQ policy on who needs to sign a certification is based on Title V guidance.

Based on Title V guidance, at least the following can sign:

- Responsible official: a president, secretary, treasurer, vice-president, or plant manager in charge of a principal business function, or any other person who performs similar policy or decision-making functions; or an authorized representative if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities under an oil and gas registration.
- Responsible official for a municipality, state, federal, or other public agency: either a principal executive officer, chief executive officer of a principal geographic unit of an agency, ranking elected official, or base commander; or an authorized representative.

Why does the TCEQ follow Title V guidance for certifying oil and gas registrations?

The TCEQ follows Title V guidance for the following reasons:

- Simplicity, a different policy or rule does not need to be created for certification of oil and gas registrations.
- Some oil and gas sites also have a Title V permit, so following Title V guidance provides additional assurance for these sites for both the permit holder and the TCEQ.
- Reasonable assurance that someone with accountability and responsibility will be certifying the oil and gas registrations.

Can an oil and gas registration and/or site have more than one Responsible Official?

An oil and gas registration *cannot* have more than one Responsible Official based on using Title V as guidance. However, an oil and gas site *can* have more than one Responsible Official based

on this same guidance. For the purposes of the oil and gas rules, one registration for a site is considered analogous to one Title V permit for a site. In general, a site can have more than one registration and more than one Title V permit. A Title V permit cannot have more than one Responsible Official. See details about Title V guidance at the following web link:

http://www.tceq.texas.gov/permitting/air/titlev/ro_and_certs.html

Can an oil and gas registration and/or site have more than one Authorized Representative?

Yes, based on using Title V as guidance. However, each project can only have one authorized representative. An authorized representative is the delegated authority given by the Responsible Official to another employee of the company. See details about Title V guidance at the following web link: http://www.tceq.texas.gov/permitting/air/titlev/ro_and_certs.html

What forms need to be submitted to designate the Responsible Official or authorized representative?

- For sites with Title V permits, no forms need to be submitted, as the Responsible Official and authorized representative are designated via Title V Forms OP-CRO1 and OP-DEL, respectively; for Title V oil and gas, an authorized representative is called a Duly Authorized Representative; web link for OP-CRO1 and for OP-DEL: http://www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin4_forms.html
- For sites with no Title V permits, no forms need to be submitted; a certification needs to be signed by someone with sufficient qualifications to be the Responsible Official or by an authorized representative delegated by the Responsible Official.