

Frequently Asked Questions Concerning Title 30 Texas Administrative Code (TAC) §106.359 Planned Maintenance, Startup, and Shutdown (MSS) at Oil and Gas Handling and Production Facilities

What is planned MSS?

Texas Health Safety Code (THSC), §382.051962 states planned MSS activity “means an activity with emissions or opacity that: (1) is not expressly authorized by commission permit, rule, or order and involves the maintenance, start-up, or shutdown of a facility; (2) is part of normal or routine facility operations; (3) is predictable as to timing; and (4) involves the type of emissions normally authorized by a permit.” MSS activities do not include alternate operating scenarios.

Is my activity considered planned MSS or an alternate operating scenario?

Alternate operating scenarios (AOS) are not planned MSS activities and emissions associated with an AOS are not authorized under 30 TAC §106.359. A planned maintenance activity performed on a piece of control equipment is an MSS activity; however, the emissions released from the facilities normally controlled during this downtime are considered an alternate operating scenario and not a planned MSS activity.

For example, for 50 weeks out of the year, a vapor recovery unit controls a series of tanks. For the other two weeks the vapor recovery unit undergoes maintenance, and the tanks are not controlled during this period and vented to the atmosphere. This is considered two operating scenarios: the normal operating scenario (tanks controlled) and the alternate operating scenario (tanks not controlled). Both scenarios should be reflected as production emissions from tanks and are not considered planned MSS activities.

When is the effective date of 30 TAC §106.359?

30 TAC §106.359 became effective September 10, 2013. As of January 5, 2014, all planned MSS emissions were required to be authorized at oil and gas sites.

Does 30 TAC §106.359 require a registration be submitted to TCEQ?

No. You can claim the PBR by doing the following:

1. Check to make sure your MSS activities are covered under the rule (facilities authorized under §106.352(a – k) or the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities may not use §106.359 for planned MSS),
2. Calculate emissions for your MSS activities to ensure compliance with the emission limits of 30 TAC §106.4,
3. Develop and implement a maintenance program, and
4. Keep all applicable records.

TCEQ recommends that you print a copy of the rule, and sign and date it to document the initial claim.

What emission limits apply to sites claiming 30 TAC §106.359?

Emissions should be calculated from planned MSS and normal operations to determine if you qualify for 30 TAC §106.359. Total emissions from normal operations and planned MSS may not exceed the limits in 30 TAC §106.4 (listed below).

- 250 tpy of carbon monoxide (CO) or nitrogen oxides (NO_x)
- 25 tpy of volatile organic compound (VOC), sulfur dioxide (SO₂) or particulate matter (PM)
- 15 tpy of PM₁₀
- 10 tpy of PM_{2.5}

25 tpy hydrogen sulfide (H₂S) or 25 tpy of any other air contaminants except water, nitrogen, ethane, hydrogen, oxygen, and notwithstanding any provision in any specific permit by rule to the contrary, greenhouse gases as defined in 30 TAC §101.1

Do sites authorized under a PBR get 25 tpy VOC for planned MSS activities and 25 tpy VOC for normal operations?

No. Total emissions from all facilities permitted by rule shall not exceed the limits of 30 TAC §106.4 listed above.

If my oil and gas site is authorized by the standard permit in 30 TAC §116.620, do I get to emit up to the limits in 30 TAC §106.4 for my planned MSS alone?

Yes. Total emissions from all facilities permitted by rule shall not exceed the limits of 30 TAC §106.4. Since normal operations are covered under the standard permit in 30 TAC §116.620, those emissions do not count toward the total authorized by PBR. Additionally, planned MSS emissions authorized under 30 TAC §106.359 are not subject to the emission limits in 30 TAC §116.610(a)(1) of the standard permit.

Are there other emission limits I need to be aware of?

Yes. Any site that has emissions exceeding major source thresholds may need to submit an application for a Title V Permit. Major source is defined in [30 TAC §122.10](#). Please refer to the website below for more information: www.tceq.texas.gov/permitting/air/nav/air_oppermits_v.html

Facilities may be subject to additional federal requirements under 40 CFR Parts 60 and/or 63. Requirements will vary based on the activities being authorized. Please refer to the website below for more information: www.epa.gov/stationary-sources-air-pollution

What if I want to certify my MSS emissions?

Certification of MSS emissions authorized under 30 TAC §106.359 can be accomplished by submitting an [APD-CERT form](#). MSS emissions authorized in a case-by-case new source review permit issued under 30 TAC Chapter 116, or a standard permit issued by the TCEQ executive director, are federally-enforceable and a Form APD-CERT cannot be used to lower these federally-enforceable emission limits.

Why would I want to certify my MSS emissions?

Possible reasons for certification could be, but are not limited to:

1. Certify emissions limits to confirm Title V is not applicable
2. Demonstrate compliance with, or exemption from, federal rules (e.g., NSPS, NESHAP, and MACT)
3. Certify the control or destruction efficiency of specific equipment or process claimed in an authorization.

If I voluntarily authorized my oil and gas site under the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities (aka Barnett Shale Standard Permit) or 30 TAC §106.352(a)-(k), can I claim my planned MSS emissions under 30 TAC §106.359?

No. In order to claim 30 TAC §106.359 for your planned MSS emissions, you must first revise your authorization to either 30 TAC §106.352(l) or the standard permit in 30 TAC §116.620.

Can I use 30 TAC §106.359 to authorize my MSS with an initial case-by-case permit?

No. 30 TAC §106.359 can only be used to authorize additional planned MSS activities that were not previously accounted for in the special conditions and the MAERT. It may not be used to modify existing MSS or to add MSS associated with a new facility being authorized under a case-by-case permit.

I have storage tanks that are authorized under a PBR in 30 TAC Subchapter U Tanks, Storage, and Loading. Can I claim 30 TAC §106.359 for my planned MSS activities?

No. Subchapter U PBRs cover a range of sources other than oil and gas sites. Facilities authorized under Subchapter U PBRs may claim planned MSS activities under 30 TAC §106.263. Storage tanks that are currently authorized under Subchapter U that handle liquids from oil and gas production and can meet the requirements of 30 TAC §106.352(l) may opt to change their authorization to 30 TAC §106.352(l) and then claim 30 TAC §106.359 for planned MSS.

I have planned MSS emissions currently in my case-by-case permit. Can I remove or delete these activities from my case-by-case permit and claim 30 TAC §106.359?

No. However, additional planned MSS activities not identified in the case-by-case permit can be claimed under 30 TAC §106.359 as long as they are in compliance with applicable rules and special conditions of the case-by-case permit.

How should I calculate emissions for activities in 30 TAC §106.359 (b1)-(b6)?

- You may calculate facility specific emissions using the TCEQ created [spreadsheet](#).
- The preferred method is to use the default value of 0.25 tpy as calculated by TCEQ.
- You may calculate emissions using your own methodologies as long as justification can be provided.

If I claim the default emissions value of 0.25 tpy provided by TCEQ, do I have to perform emission calculations for those activities in 30 TAC §106.359 (b1)-(b6)?

No. If you claim the TCEQ default value of 0.25 tpy, you will need to include the basis for the default MSS emission calculations; however, these calculations are provided in the O&G spreadsheet.

Am I required to create a new set of records specifically for 30 TAC § 106.359?

While that is one option, records you may already keep could assist in demonstrating that planned maintenance is occurring. Work orders, contractor or supplier invoices, operator logs, electronic databases, and other documents can also be used as part of confirmation that planned MSS activities have been conducted. Recordkeeping requirements are specified in 30 TAC §106.8.

What if I am not eligible to claim 30 TAC §106.359? How do I claim or register my MSS emissions?

If your facilities don't qualify for authorizing planned MSS under 30 TAC §106.359 you will need to revise your existing authorization mechanism to include these activities and the associated emissions. Since January 5, 2014, planned MSS requires an air authorization.

What if I use third parties or contractors to perform maintenance on facilities at my site?

The permit holder is responsible for all emissions that are generated at their site and ensuring the requirements of 30 TAC §106.359 are met. The permit holder is responsible for estimating and accounting for any emissions that occur as a result of contracted or third-party maintenance that takes place at their site.

Can I replace an entire engine using this PBR?

No. 30 TAC §106.359 may only be used to replace components and pieces of an engine as part of a maintenance program. Replacing the entire engine can be accomplished by revising the construction authorization for the original engine.

Before I can install the catalyst on a new, overhauled, or rebuilt engine I must perform what is called a 'burn in' period. Can this be authorized using 30 TAC §106.359?

For a newly installed engine this 'burn in' period is authorized as part of the initial construction authorization such as 30 TAC §106.512. However, for overhauled or rebuilt engines this 'burn in' period is considered to be part of the maintenance and start-up process and can be authorized using 30 TAC §106.359.

If an emission event occurs causing one of my facilities to be shut down, can I perform planned maintenance on that facility on an accelerated timeframe?

Yes. Planned maintenance can be performed on an accelerated timeframe when a facility is shut down due to an emissions event. Also, as planned maintenance was performed, the startup of that facility can also then be claimed under 30 TAC §106.359. Notification requirements for unplanned MSS can be found in 30 TAC §101.211.

How can I get more help?

1. You can call the Air Permits Division at: (512) 239-1250
2. You can email the Air Permits Division at: airperm@tceq.texas.gov
3. Call Small Business and Local Government Assistance at: 1-800-447-2827

Additional information can be found at www.tceq.texas.gov/assistance/industry/oil-and-gas.