

# Transcript of Senate Bill 900 Aboveground Storage Vessel Safety Program Stakeholder Meeting on Thursday, July 14, 2022 at 6:00 p.m.

## Slide 1

Good afternoon. If you have registered and are joining us by phone, please mute your mic by dialing star 6. If you intend to present oral comment and have not already registered, please register now by sending an email to [rules@tceq.texas.gov](mailto:rules@tceq.texas.gov).

We would like to welcome everyone to the stakeholder meeting being conducted by the Texas Commission on Environmental Quality. My name is Gwen Ricco and I'm with the General Law Division. And in a few moments, I'll hand the mic over to our project team to make a brief presentation and afterwards we'll be accepting comments from our stakeholders beginning with those who have registered and add time for any informal questions you might have for our project team, which you can ask by using the live event Q & A chat function or when we are beginning taking questions, you can also press star 6 to unmute your microphone. So with that, I'm going to hand over the mic to our program team to get started on this presentation.

## Slide 2

Ok, thank you, Gwen. My name is Keith Sheedy. I work in the Program Support Environmental Assistance Division, and we're going to have the informal stakeholder meeting on SB 900, the Aboveground Storage Vessel Program. And let's see. Let's go to next slide, our first slide, if you would.

## Slide 3

There we go. So a little background on how the program came about. As probably you already know there was multiple chemical fires in the past few years in Texas that indicated that additional safety protocols for certain tanks are necessary.

In 2021, the legislature passed SB 900 to set design safety standards using industry guidance. The bills use the term or the bill uses the term storage vessel rather than tank to distinguish from the existing aboveground storage tank, tanks that are regulated under the petroleum storage tank program. The bill and program are intended to promote the safety of the storage vessels by adopting requirements for the design, construction, operation and maintenance of storage vessels, with the objective of protecting groundwater and surface water resources in the event of an accident or natural disaster.

We do estimate that there is around 36,000 aboveground storage vessels that would fall under this program. This is an estimate based on information from other TCEQ programs that have tanks that could potentially fall under this program. Next slide please.

## Slide 4

OK. There we go. Sorry, I was looking at it wrong, so. To go through a little bit of the bill and a little bit of what the program and how it's going to work.

One of the first things you have to do is come, you know, you have to understand the definitions. So aboveground storage vessel means a vessel of non-earthen material that has a capacity of 21,000 gallons, which is equivalent to 500 barrels, or more, of a regulated substance, and is located at one of the three, of these three types of facilities, or a combination of them. And that's a petrochemical plant, petroleum refinery, or bulk terminal storage. And bulk terminal storage was defined in SB 900 to mean sites in Texas, including end-of-line pipeline storage terminals, but excluding the pipe or breakout tanks on those pipelines, refinery storage terminals, for-hire storage terminals, and rail and barge storage terminals. Next slide, please.

## Slide 5

So one of the in part of that definition was regulated substance. So, what are those? The bill lined that out. It is defined in the Texas Water Code to include a petroleum as well as listed hazardous substance as defined in the CERCLA Act, which is a Comprehensive Environmental Response, Compensation, and Liability Act. The list of compounds is found in 40 Code of Federal Register section 302.4, which includes over 1300 plus chemicals, but it does not include substances regulated as a hazardous waste under the federal Solid Waste Disposal Act.

Petroleum, it said, was, or is, included in the definition. That includes crude oil, a fraction and fractions of it, that are in liquid state at standard conditions of temperature and pressure and there is the option of any other substance designated by the agency. That we would, to add any substances, we would have to go through a rulemaking to do that. Next slide.

## Slide 6

The bill did set up some exemptions of storage tanks that are not subject to the program. Again, if you have,

if have, if you are one of those three types of sources: petrochemical, petroleum refinery, bulk storage terminal; and you have any of these types of tanks at your site or facility, those tanks would be exempted. And those we'll just run through them real quick.

- Are tanks used in or association with the production or gathering of crude oil or natural gas?
- Tanks that are not, that are part of the stormwater wastewater collection system.
- Flow-through process tanks, including pressure or process vessels and oil water separators.
- Intermediate bulk container containers that may be moved within a facility.

Let's go to the next slide please.

## Slide 7

Alright, I've got to catch up on my notes here, sorry.

- Tanks regulated under the federal Surface Mining and Control Reclamation Act.
- Tanks used for storage of products regulated under the federal Food Drug and Cosmetic Act.
- Tanks used in the management of leachate, methane gas or methane gas condensate, unless the tank is used for storage of a regulated substance, again, that would be, that part there is typically for landfills. And that landfill would have to be located on one of those three sites. So you're not going to see a lot of those.
- Tanks use for storage of liquified petroleum would be exempt.
- And tanks regulated under U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration are exempt.

And the last two tanks that are that are exempt on the next slide. Sorry, Gwen.

## Slide 8

There we go. So the bill language just made a comment that these tanks were exempted, and it just said heated tanks. There was no additional language provided in the bill itself or in bill analysis. So it is our understanding, based on the way the agency looks at these in other programs, is that these would be tanks that are heated using external heat, including but not limited to steam, electric heating elements, or a heating medium such as hot oil. Heated tanks will not, or do not include, in our understanding, do not include those that include process fluids that are received above ambient temperature.

Then tanks, the other one was tanks operated above 0.5 pounds per square inch gauge. On this one, it's our understanding that this determination will be measured with a pressure gauge in the vapor space of the tank or calculated as the total mixture, the volume, or the vapor pressure and a storage temperature converted to gauge pressure. Next slide please.

## Slide 9

OK, we're going to talk some about the actual safety standards that were provided in the bill. But one of the first things you want to provide is some language specifically out of the bill. It specifies that the TCEQ must include all and only those critical safety elements that are applicable to the storage vessel. Ensuring the correct critical safety elements are applicable to the correct type of storage vessel, and that those safety standards must come from specific federal regulations and national consensus standards. Specific safety standards will apply only those types of storage vessels as specified by the regulation or standard.

So we're going to first look at look at the federal regulations. Safety standards would come from the Clean Air Act, specifically the risk management plan rule regarding accident prevention at facilities that are, use certain hazardous material, substances and the maximum allowable control technology, MACT, that's found in Part 63 of the National Emission Standards for Hazardous Air Pollutants. These subparts that we'll be looking at under these max standards will be subparts G, CC, and WW.

There's also safety standards that will be in our regulations that will come from the Resource Conservation and Recovery Act, RCRA, specifically the requirements for treatment, storage, and disposal facilities. And lastly, in the federal terms, the safety standards will come from the Spill Prevention Control and Countermeasure regulations. OK, next slide please.

## Slide 10

Alright, in addition to the federal regulations, safety standards for those storage vessels will also come from the American Petroleum Institute. Specifically, the standards for tank inspections, repairs, alterations, and reconstruction; overfill protection for storage vessels in petroleum facilities; fire suppression systems; and

welded tanks for oil storage. We'll also be looking at safety standards from the National Fire Protection Association. Specifically, the flammability and combustion liquids codes and the location standards at an original storage vessel location.

Again, safety standards will apply to the type of storage vessels that are specific in the regulation or standard. For example, API 23.50 applies to petroleum storage tanks and it does not apply to tanks that contain non-petroleum liquids. Therefore, for this program, the API 23.50 would not apply to storage vessels that contain non-petroleum liquids. And we'll make that clear not only in the regulation, in the preamble, but we are going to be working on a guidance document to go along with this rule, with the rule, once adopted, and we'll, that will also be made clear. Alright, next slide please, Gwen.

## Slide 11

Alright, requirements for storage vessels. The deadline to register for the program with the TCEQ is September 1, 2027. We plan to have their registration portal up and running well before that time to allow the larger facilities plenty of time to complete the registration for their storage vessels.

At the time of registration, applicants will need to provide their status of compliance. If a storage vessel is already meeting all the applicable requirements, then they would certify that they're in compliance. However, if they are not meeting the applicable requirements at that point, they must certify, self-certify, before the 2037 deadline.

The statute does make a distinction between existing storage vessels and those are ones that are constructed before the September 1, 2027 date. And then there's also new storage vessels and those would be the ones constructed after September 1, 2027.

Existing source vessels must achieve compliance with the safety standards during their next regularly scheduled out of service maintenance after September 1, 2027, or before September 1, 2037, whichever one comes first, and that would be part of their compliance plan. Once the storage vessel is brought into compliance with the safety standards, the owner must notify the TCEQ within the specified time frames that will be spelled out in the rule.

New storage vessels must certify compliance within 30 days of the start date and again that's for tanks, storage vessels, built after 9/1/2027. The TCEQ will be conducting onsite inspections of the registered storage vessels. at least once every five years to determine compliance. Next slide.

## Slide 12

And at this point, I'm going to turn it over to Shannon and let him go over some information.

Thank you, Keith. Good evening everyone, and thank you for joining us for our final stakeholder meeting. My name is Shannon Frazier, and I am the manager of the Registration and Reporting Section of the Occupational Licensing and Registration Division in the Office of Waste. I will be discussing our conceptual registration requirements as well as touch on the self-certification requirement and the potential categorized fee structure and schedule. So let's talk about these.

Right here, on this slide here, we have our registration requirement concepts. What we're looking at is that each facility will have a registration tied to an RN. The registration for the facility will have a unique identifying number for each vessel. The customers will provide all registration and compliance information electronically through the State of Texas Environmental Electronic Reporting System, or STEERS. And for those who don't know, who are unfamiliar, STEERS is the primary e-permits registration and e-reporting online portal. And RN is equal to regulated entity number. Next slide please.

## Slide 13

So for this program, we are looking at having no physical paper forms that will be used. So there will be no paper. We are looking to go fully automated with this program. Customers will need to provide self-certification of compliance with the safety standards. The facility will self-certify each vessel as either compliant or noncompliant.

If the vessel is noncompliant, the system will prompt the user to enter a proposed compliance date or the date of the next regularly scheduled maintenance. The facility's environmental compliance officer or representative will be the ones providing that self-certification in the database. Next slide please.

## Slide 14

So what we have here is our potential ASVS fee structure and schedule. This table is still in developmental stage. We are currently processing data that we have received from a survey and creating multiple scenarios to help us use and determine an equitable distribution of fees across the entire ASVS universe.

What you'll see with these tables, these are not the actual barrel or gallonage size per category that will be used. These are examples for the purpose of this stakeholder meeting.

But you can see that we are proposing potentially four categories, not proposing, but that we're potentially going to have four categories. Of varying ranges 500 to 5000 barrels, which is equivalent to 21,000 to 210,000 gallons, which would be somewhere down around the minimum fee. And then you have your medium tiers and your maximum tier of greater than 50,000 barrels or 2.1 million gallons in volume, which would have the maximum. And that's kind of what we are picturing at this time.

With that, I am going to hand it back to Keith to wrap up the presentation. Thank you.

### Slide 15

OK. Thank you, Shannon. I want to go over rulemaking real quick. On what, you know, timelines, what you can expect. I wanted to, I think I might not have pointed out at the front. This is a statewide rule. It is going to apply the regulations, the standards will apply the same as to a refinery in Amarillo or El Paso, as they will to refineries along the Gulf Coast. Again statewide. Same rules apply to everybody. So the bill itself, or I'm sorry Gwen, let's go to the next slide real quick.

### Slide 16

So the bill was effective September 1 of last year. You can go to this webpage link and I believe we're going to put the presentation up online where you can have the links. We probably in the chat have already, if not already, we will shortly have the links to our web page where you can find this information also. But on the Texas legislative online web page, at that link, if you just type in 87th regular legislation or legislature. Put in SB bill number SB900, it will take you to the bill language. And there's also a fiscal note and a bill analysis is available on that site. We also have the bill language available on the agency's ASVS program website. If you're on our home page in the search function, if you just type in ASVS, it should give you, the first result should give you this web page. And you could be able to find all are varied information from there. Next slide.

### Slide 15 again

So, like I said, we had, the effective date was 2021. Right now we're in the process of doing the stakeholder, the third of three stockholder meetings. We are have already started the rulemaking process, just working, drafting rules. We do want to get information from the, from the stakeholders any comments that we might receive.

And then our other main objective is that we have to follow the language that is in the statute. We cannot go in excess of that language. But the staff will start drafting the proposed preamble to the rule, along with the draft rule language itself. The rule, once that's accomplished and we get sign off by management, the rulemaking package will go to the Commissioners agenda for proposal. It should be in January or February of 2023.

If approved by the Commissioners to move forward, there will be, after that point, after they approve it, there will be a public comment period which normally last 30 days. And then there will also be public hearings associated with that where we will take formal comments from all interested parties. There will more than likely be multiple public hearings throughout Texas. We'll have to see exactly how many. But we, that will be part, that will be information that's provided in the proposed rule package.

Then, once we receive comments back on the formal or from the public hearings and the comment period, we review those comments and we make adjustments to the rules as needed. One thing, I'm going to back up just real quick, on the stakeholder meetings, in any comments we receive from here, we are going to take all those comments or any concerns under advisement, but we do not, on the informal stakeholder process, provide written responses to those comments.

So after we've done the public comment period and the public hearings and made adjustments to the rules as needed, the rule package will then go to the, back to the Commissioners agenda for adoption. That should be in July or August of 2023 and therefore it should be effective on September 1, 2023, which was a requirement by the bill.

### Slide 17

Alright, so. What is the rule making going to look like? Don't have the draft rule, and we really can't provide that until we get closer to the proposal date. But this rulemaking, which is going to be under a new chapter in the agency rules under 388, will follow the normal structure that the agency uses for rulemaking.

What you'll notice in the bullet points above. We pretty well, this presentation is talked about most of these items already, but what you'll see is:

- proposal and applicability,

- the definitions,
- the exemptions,
- then the standards that will apply,
- registration and certification requirements,
- and there will be a subchapter on fees,
- and then record keeping and reporting requirements,
- along with inspection requirements.

Again, our estimate is that there's about 36,000 storage vessels that will be subject to this program. In other words, that's the universe of that. This is a, again, statewide rule and it is a brand new program for the agency. That we're standing, you know, standing up a brand new program, very large. So that, one of the things that it does have to do, is it does have to be fee neutral. And so that information that Shannon gave you where we're trying to figure out those values and the fees, that's going to be one of the bigger parts of this rulemaking, actually. Next slide.

### Slide 18

Which is, on this one, I just want to kind of give a summary of what we've talked about here in the, for the last 30 minutes or 25 minutes or so. Again, the effective date of this new rule in Chapter 388 will be September 1, 2023. The target date for registration to begin is September 1, 2025. This will give the regulated community two years to register and allow TCEQ to perform outreach.

Again, like I said, we are working on, or we will be working on, a guidance document that will help regulated communities understand the rules and requirements for them. And is also going to help the agency's new staff that will be hopefully in place by this point or by the point when 2027 rolls around. And we'll have everybody on board and know what we're looking for and inspections.

The online registration portal will be up and running by the 2025 timeframe to allow the owner operators to register and pay online. The existing storage vessels must register and provide status of compliance by the September 1, 2027 timeframe. And certification of compliance is self-certification. After this date, new storage vessels must certify compliance 30 days after start of operation.

All existing storage vessels must ensure compliance with the standards during the next regular scheduled out-of-maintenance. And I say all, all existing, must do, at the next regularly scheduled out-of-service maintenance event. Owner operators of storage vessels will update the registration information to notify that the storage vessel is in compliance with the applicable safety standards. They have to let us know that as soon as possible. The deadline for all storage vessels to certify, again, is September 1, 2037 and all existing storage vessels will have 10 years to make any necessary upgrades to meet the safety standards that are required by the program. Alright, next slide please, Gwen.

### Slide 19

Thank you. Just want to give you that link, web link again, to the agency's page on the new program regulating the safety of aboveground storage vessels. I know you've seen it a couple times, but I want to make sure that you understand this is going to be the best place to get information for this program. And we're going to be updating this as needed, as information comes out.

We also have a Gov Delivery email box that you can sign up for. So as items come out, as we put in new information, it will send out an email to you and you can receive that information. And I've already kind of told you this or touched on this, but we'll be working again with a contractor, we haven't set a contract yet, but to develop the guidance document that will be used by both industry and the agency to explain the compliance requirements that will be associated with the new regulation.

### Slide 20

And with that, I think that the last slide is my information and Shannon's information. On that website that I talked about at the top right corner, there's also a link that you can ask questions to. It goes to a box that not only Shannon and I see, but a lot of other folks and we will get hopefully get your answer out very rapidly that way. But with that, Gwen, I'm going to turn it back over to you.

### Public Comments

Great. Thanks, Keith. And so now we will go ahead and take our public comments and I will call those out in the order in which they were registered. So if your name is called, remember to press star 6 to unmute your microphone and there will be a little bit of a lag time. So I will take some pauses to provide time for people to get online. And please state your name and who you represent and then provide your testimony.

So our first registered participant is Yvette Ariano. And if you are on the line, Yvette, if you could press star 6 and present your testimony.

Yvette: Hello.

Gwen: We can hear you now.

Yvette: Hello.

Gwen: Hello, can you hear us?

Yvette: I can, yes. Can you hear me?

Gwen: Yes. You may go ahead.

Yvette: Thank you. Good afternoon. My name is Yvette Ariano. I'm the founder and executive director of Fenceline Watch and a community member of the East End of Houston. Our organization is dedicated to the eradication of toxic multi-generational harm on communities living along hazardous infrastructure. My comment today will focus on section 26.3443, under certain commission exemptions and rules, amendments, and alternative standards.

Currently written is that the commission in implementing the performance standards for safety of storage vessels program under section 26.3442 may approve exemptions of specific storage vessels otherwise subject to section 26.3442 from regulation under the program if the legal owner or operator submits a request to the commission demonstrating that the vessel presents a sufficiently low risk of flood, storm surges, hurricanes, accidents, fires, explosions, or other hazards such that do not warrant regulation under the program. We recommend the TCEQ evaluate vessel risks that are applying for this risk exemption.

Due to the high volume of extreme weather from increased temperatures, from freezing temperatures to the heat index reaching above 100 degrees, and extreme flooding in many regions of Texas, these conditions are no longer out of the ordinary and therefore should be considered as part, in assessing risk, and built into weatherization efforts. These considerations will avoid vessels from uplifting during flood events; toxic leaks and emissions; displacing and crashing into nearby objects; buckling from wind, waves, and moving debris; which could result in environmental and public health impacts, facility shutdowns, and damage the state and national economy of vessel infrastructure upgrades.

To evaluate risks, we recommend the TCEQ enter into an agreement with the National Academy of Sciences, the National Institute of Health, and the National Oceanic and Atmospheric Administration to conduct a study and report on the environmental, extreme weather risks, public health, and environmental justice impacts of these vessels. We request TCEQ to account for the cumulative impact as part of this risk assessment. The collaboration we request is a study and report that must assess the best available technologies and practices that reduce or eliminate environmental justice and pollution impacts of these vessels and associated infrastructure. These will inform TCEQ's revision of the current standards and help mitigate impacts. Additionally, the fact that API standards are not available to the public for public review is not only a challenge, but a barrier as it does not allow public disclosure, review, and input as part of this process.

I appreciate the TCEQ and the Commission's ability to provide us access to these meetings at different times during different days of the week. And I hope that you consider providing us an opportunity to provide comment once we're in the following public input process at times in the evening like 6:00 PM. Thank you so much.

Gwen: Thank you for your comment. Our next commenter is Shiv Srivastava and I apologize if I did not pronounce your name correctly. If you could please, yeah, press star 6 and you can present your comments.

Shiv: You said my name perfectly. Good evening. My name is Shiv Srivastava. I am the policy researcher at Fenceline Watch. My colleague Yvette Ariano just spoke. I echo their sentiment and I would like to provide my own. I am the policy researcher at Fenceline Watch, a community based environmental justice group based in Houston, Texas. I would like to thank the TCEQ for the opportunity to provide informal comment.

So SB900, in section 26.3444, certification fee, part A, states that the Commission, by rule, shall establish fees in the amount sufficient to recover the reasonable cost to, and then part 5, enforce compliance with applicable standards of sections 26.3442, and rules and orders adopted under those subsections, including federal statutes and regulations such as the Clean Air Act, Risk Management Plan, maximum achievable control technology, national emission standards for hazardous air pollutants, RCRA, SCCR and EPA RMP. We strongly suggest that a percentage of the fees be allocated to the associated enforcement of those federal statutes. Having attended these stakeholder meetings, I understand that TCEQ stresses that they have to stay within the parameters of SB900 and can't go beyond that. And so, I think that it is very important, since it is stated quite clearly under 26.3444, that collection of those fees can be used to help enforce those federal statutes and

regulations, that it ought to be, to serve as a safeguard for our communities.

And touching upon that, I would like to add, I have attended all three stakeholder meetings- the July 12th meeting as well as both meetings today, the one in the morning and then this evening. And we would like to see greater outreach to affected communities. As someone who works with an environmental justice community and lives within one, I don't feel that we were properly engaged about these stakeholder meetings and would strongly encourage increased outreach. Regulated entities are not just the industry. The regulations TCEQ sets effects and impacts every facet of our lives, especially our health and our safety.

Additionally, TCEQ is currently in the process of unveiling and rolling out their public participation and language access plan in order to more broadly and equitably engage with our communities to increase engagement and provide the opportunity for our communities to be involved in the public input process. So as the rulemaking process goes forward, I would strongly encourage that more outreach and more consideration be given to our communities. Specifically, I would again like to echo what my colleague Yvette Ariano said about holding meetings at this time.

I would like to take time to give credit where it's due on holding a meeting at 6:00 PM. This is a more accessible time for many in our community to be able to sit down and engage and provide our thoughts and perspectives to the commission. And the commission is stronger for it and the community is as well. So I would like to thank you for that. Thank you so much.

Gwen: Yeah, and thank you for your input. We really value these public comments and although these are not formal public comments at this time, we would be offering that formal public comment period during our rule making proposal time. So we just really appreciate, just hearing our public's input. And if there are other questions or comments you would like to make, you can feel free to do so using the live event Q & A chat function or by calling in and pressing star 6 to unmute your microphone.

Shannon: Gwen, this is Shannon. It looks like Michael Parr would like to speak from our group.

Gwen: Great, yeah, Michael, if you would like to speak, you can. Is it there? OK, great.

Michael: Can everyone hear me?

Gwen: Yes.

Michael: Hi everyone. My name is Michael Parr. I'm the Environmental Law Division attorney assigned to this rulemaking. We are in the process of gathering the extended stakeholder list of people that commented on the environmental language justice rule. However, we are open to any and all resources. Let me give you my email address so that the last gentleman that was speaking about environmental justice, I would love to have, you know, the materials from you to further, you know, give the public notice of this rulemaking and provide it in all languages that are needed. My email address is [Michael.Parr@tceq.texas.gov](mailto:Michael.Parr@tceq.texas.gov). My last name is spelled P as in Paul, A as in Apple, R as in Richard, R as in Richard. Thank you again, and I look forward to emails and resources.

Gwen: Yes. And to just reiterate that point, if you would like to get any more of those emails or other web page links you can always email us that [rules@tceq.texas.gov](mailto:rules@tceq.texas.gov). And if you need any further communications, we're happy to provide that for you. So we appreciate that. And if there's any other comments or questions you can feel free to use our live event Q & A chat function now.

Shannon: Gwen, this is Shannon Frazier again, and just as a reminder folks in that Q & A chat, you can see that I've provided the links to the ASVS web page on the TCEQ home page; the link to the Gov Delivery registration, so you can sign up for any newsletters or updates we have; as well as our ASVS email box, which is a proxy box that goes to numerous people here on the rulemaking team. And those are great references and easy ways to get in touch with us. We'll be able to respond that way easily. Thank you.

Keith: While we're waiting on questions, this is Keith again. Just wanted to remind folks, again, we're setting up, you know, this is a completely new program for the agency. One of the things that we are looking at is, in the next couple of sessions going along, is obtaining FTE allocations for this program. The thought is that if we are right on the universe of 36,000 that we will need about 70 people, new FTEs, across the agency to implement this, with majority of those being in our Office of Compliance and Enforcement and being investigators out in the field. So, that just kind of give you an idea of what we're looking at.

Gwen: And there is a question in the chat of when will the informal rulemaking close?

Keith: I think, I want to say it was it was in the, in the federal, or the Texas registry. Let me look at that real quick. I should know the date, but I don't.

Gwen: While you're getting that, I can go back to the slide with just the timeline on it.

Keith: OK. The comment period closes July 29th. But if you're a little bit late, that's not a problem. We can still take comments in. That'll, just, at that point, we're gonna really, really start cranking on the preamble and the draft ruling, just getting that stuff knocked out. So any comments you have would be greatly appreciated.

Gwen: It is a reminder, just with that rulemaking up, after that rulemaking proposal. So after that goes to agenda in early 2023, we do offer, again, that formal public comment time, that 30 day formal public comment time with the public hearing, that we will continue to take some formal public comments at that time.

And we will give people about, we'll be on the line until about 6:50 or 6:55 or so. If you have any questions at this time, feel free to ask them to our program team. We're more than happy to answer any questions.

And there's another question. In section 26.3442(e), the Commission may apply alternative national consensus standards if found to be more cost effective. What alternative national consensus standards are TCEQ currently considering?

Keith: Unless anybody else, again, I'm sorry. Turn my camera back on. This is Keith. Unless anybody else from TCEQ has additional comments, I can honestly tell you, we don't have any that there we're looking at right now as alternative standards. More than likely, I would think those would be something that we would see in a comment from one of the regulated communities. We are looking right now, we are looking at the ones that are in the bill that says, specifically these, and we're not looking at alternatives.

Gwen: Thank you, Keith. And if there, again, you can use that Q & A chat function to ask any questions or press star 6 to unmute your microphone.

Another question is- what portions of the rulemaking would be valuable for affected communities to comment on?

Keith: Gwen, if you could go back to where it had the bullet points with the rulemaking. It was probably two slides back, three slides back, maybe?

Gwen: The outline for the new Chapter 388, yeah?

Keith: Yes. Correct.

Gwen: OK. Do you see it?

Keith: Wait a minute. If I move to the right screen I probably will, yeah. Again, sorry. I turned my camera off. I'm trying to limit bandwidth so I don't get knocked off here.

The definitions, I think, is an area that we need to have information on. What is the, one of the things that we've heard in the stakeholder meetings is, the bill says petrochemical. Does that include a, is that only organic chemical plants? It would seem not to include chemical plants, the inorganics. So we're going to have to be looking at that definitions.

Exemptions are pretty well set in the bill language. I don't believe, we're obviously not going to add any additional exemptions. I kind of gave you a heads up on those two that we have, that we think we need a little more information, on heated tanks and 0.5 PSIG.

The standards again, those are set. I mean, I hate to say it, we have to follow the bill language. We are not really allowed to expand beyond what the bill has.

Recordkeeping and reporting would be a good area for the local communities to, you know, how is that available that you? That not be as much as the rule, but as what we do with the information. You know, what is provided and what cannot be provided. I think that brings in some, and somebody will have to help me with the acronym, but the Tier 2 issues on what information can be provided or not. Shannon, or anybody else, think of areas that would, specific comments from the surrounding communities?

Shannon: Hi, this is Shannon. I'm just thinking about what you're saying and I kind of pretty much support everything that you're adding there. With us not having the exact rule language, for surrounding communities, I would think that you'd want to comment on just as many sections as possible as that you would think that would affect you, i.e. recordkeeping, reporting, inspection, those type of things, understanding the exemptions and the standards, as well as the definitions.

Keith: Right. And one of the things that I tried to make sure to point out at the other stakeholder meetings. This is a little, this program is very different for the agency. This is a safety program, safety performance standards. It is not an emission program, which was what you normally see our rules affecting. Think of the air rules, where you have your ozone areas and ozone non-attainment areas and water and waste rules.

This is more of a, like it's, a statewide that, that's why I made the comment during the presentation that the rules are going to apply the same in Amarillo as they are in Houston. There's not going to be a regional, area rules. At least, that's not in the plan right now.

Gwen: And yeah, if there is any other questions, we will be online for a little bit longer, if we have any other follow-up questions.

Just a comment that they really appreciate this information and thanking the team, so thank you for that.

And we'll be online for about 5:00 or so minutes, as I mentioned, if there is any further information that any participants would like about the program.

And we would like to thank everybody currently in attendance. Thank you for your participation and your interest in this, that it really is appreciated to hear from the members of the public.

And again, to reiterate, we do have those links in our Q & A if you would like further information or would like to peruse those. We'll stay on for just about a minute or two more to see if there's any other questions that anybody has for our team at this time.

We really, again, to reiterate, we really appreciate people taking the time out of their evenings to join us at the stakeholder meeting. And we do look forward to working with everybody as this rule making progresses further. And if there are no other questions, then we will conclude our stakeholder hearing for tonight. And if you do need any more information you can always email at [rules@tceq.texas.gov](mailto:rules@tceq.texas.gov). But with that, we will conclude tonight's hearing and we really appreciate everybody's time tonight. Thank you.

Shannon: Thank you very much for your participation. Appreciate it.