TCEQ Emissions Events:
Answers to Commonly Asked Questions

Disclaimer:
This document is intended only to provide readers with information about potentially applicable regulations and is neither a legal reference nor a substitute for the regulations. When in doubt, always refer to applicable federal, state, and local statutes/ordinance and regulations to ensure compliance.

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General Questions

Q1: How do I report an emissions event?
A: Refer to the Air Emissions and Maintenance Events (AEME) Reporting Form website as a reference to understand what information is needed to report an air emissions and maintenance event incident. Additionally, you can view the following video for setting up a STEERS account: How to Setup an Account in STEERS.

Q2: What should I expect after submitting my final report, and how will I know if my investigation has been completed?
A: Once TCEQ receives a final report for a reportable emissions event, the Emission Events Review Section will email questions to the company contact, to ask for additional information. If you claim an affirmative defense, you will be given 30 days to respond to the questions. If an affirmative defense is not claimed, there will be fewer questions and you will be given one week to respond.

After the responses are received, an investigator will review the information to determine if the event meets the criteria for an excessive emissions event and, if not, whether the company has met the affirmative defense requirements (if claimed). The investigator may email additional follow-up questions to the company contact. If no violations are cited, or if it is determined that the incident was not a reportable emissions event, a closure letter will be sent to the company.

If the investigator determines that a Notice of Violation (NOV) should be issued, the owner/operator or regulated entity (regulated entity) will be notified by email. Following receipt of the NOV, the regulated entity will need to provide information that demonstrates compliance or a date when the violation(s) will be resolved. Compliance must be achieved within 30 days from the date of the NOV. If compliance is not achieved within the 30-day timeframe, a Notice of Enforcement (NOE) may be issued, and the incident will be referred to the TCEQ Enforcement Division.

If the investigator determines that the incident necessitates a NOE and an affirmative defense claim was made, a Notice of Preliminary Findings (NOPF) letter will first be emailed to the regulated entity. The regulated entity may provide any additional information addressing the violation(s) at that time or request a meeting to discuss the alleged violation(s) within 5 days. Reasonable requests for additional time will be evaluated on a case-by-case basis. Based on the response or lack thereof, either a NOE or a closure letter will be provided to the company.

If an affirmative defense is not claimed, a similar NOV or NOE process is followed as described above. However, no NOPF letter is transmitted.

If an affirmative defense is claimed but it is determined that not all applicable criteria have been met, the NOV or NOE will identify which criteria were not met.

Q3: Is there a formal process to challenge a NOE issued by the agency?
A: If the investigator determines that a NOE is appropriate and the regulated entity claimed the affirmative defense, a NOPF letter will be emailed to the regulated entity contact. This provides a final opportunity, prior to issuance of a NOE, for the regulated entity to provide additional information to support their claim. Once a NOE is issued, the regulated entity will be able to contact the TCEQ Enforcement Division to discuss the terms of the agreed order. If settlement is not achieved, then the next step in the enforcement process is referral to the Litigation Division.

Q4: If an investigator determines an event meets the affirmative defense criteria, can a violation still be cited?
A: Yes. For example, the affirmative defenses found in 30 TAC § 101.222 do not apply to excessive

emissions events or federally promulgated performance or technology-based standards.

Q5: How does TCEQ determine if an event is excessive?
A: The TCEQ reviews all reported incidents to determine if they meet the criteria for an excessive emissions event (EEE). The criteria are listed in 30 TAC § 101.222(a)(1)-(6). If the agency determines that one or more of the six criteria have been met, the incident may be considered excessive. In general, emissions events that cause significant impact to human health or the environment may be determined to be excessive. Examples include onsite or offsite impacts, but are not limited to:

- injuries requiring treatment at a medical facility,
- documented health impacts (*e.g.*, in a physician's report or an investigator's recorded experience),
- a fatality, or
- wildlife, domesticated animals, or vegetative impacts

When reviewing the frequency of the incidents under 30 TAC § 101.222(a)(1), the evaluation is based on incidents that occurred at the specific facility under review; this includes incidents that affect the whole site (*i.e.*, incidents that impacted more than just the specific facility under review).

When reviewing the cause of the emissions event under 30 TAC § 101.222(a)(2), the investigator will evaluate whether the event could have been foreseen. Examples of events that could have been foreseen may include, but are not limited to, operator error (including third party contractors), not protecting equipment from the elements and wildlife, and preventable accidents.

The third criterion, 30 TAC § 101.222(a)(3), concerns quantity and impact of the emissions event on human health or the environment. If the event was of a large enough magnitude that an Air Monitoring Comparison Value (AMCV), Effects Screening Level (ESL), NAAQS, or PSD increment might have been exceeded, the owner/operator will likely be requested to conduct dispersion modeling of the event. The modeling results will be reviewed in coordination with the agency's Air Permits and Toxicology Divisions.

When reviewing the duration of the emissions event, under criteria 30 TAC § 101.222(a)(4) and (5), the investigator will evaluate the duration and percentage of the specific emissions event in relation to that facility's annual operating hours.

For the final criterion, 30 TAC § 101.222(a)(6), the investigator will review the provided information to determine whether there was a need for a startup, shutdown, or maintenance activity, which could have helped to reduce or eliminate the emissions associated with the event.

Q6: How are non-reportable emissions events handled during Title V investigations?
A: For incidents that are recordable but not reportable, we review a random sample of the incidents against recordkeeping requirements for administrative completeness and to ensure the event didn't exceed a RQ. Title V investigations are conducted by the regional offices or local air program acting on behalf of the TCEQ. Based on the results of that sample review, the investigator may review additional events for compliance with the requirements.

Q7: How are fugitive components and heat exchangers handled if involved in emissions events?
A: Emissions events may occur at fugitive components. Emissions from a fugitive component that are considered "leaks" are addressed by the conditions of a permit or rules for leak detection and repair (LDAR). A complete failure of a component is not considered a leak under LDAR permit conditions or rules and would be considered unauthorized emissions subject to the emissions event rules. For example, if a pressure relief valve fails to reseat, this could be an emissions event.

Like fugitive components, heat exchangers may suffer a catastrophic failure and cause emissions from the exchanger or elsewhere, such as a cooling tower. When this occurs, the facility owner or operator should follow the reporting and recordkeeping requirements for emissions events.

Q8: What are the requirements for activities that are below the Reportable Quantity?
A: If an owner/operator has an emissions event at a facility where unauthorized emissions are below the specific reportable quantity for a compound or mixture as defined in 30 TAC § 101.1(89), the owner/operator must comply with the rules found in 30 TAC § 101.201(b) concerning the creation of final records. If the site is a Title V site, it must also follow the reporting requirements found in 30 TAC § 122.145 concerning deviation reporting.

Q9: Why are historical records being requested as part of a separate § 101.222 review of a reportable emissions event?
A: Information concerning past emissions events at a specific facility is requested to help determine if the activity or event was part of a frequent or recurring pattern indicative of inadequate design, operation, or maintenance. The requested information will also help determine if the activity or event could have been foreseen, avoided, or planned for and could not have been avoided by better operation and maintenance practices or technically feasible design consistent with good engineering practice.

Q10: Is the regulated entity responsible for incidents caused by their contractor's error?
A: When the cause is an error made by a contractor you hired, it is you, not the contractor that is responsible to comply with the permitted authorizations.

STEERS Reporting

Q1: How do I sign up for a STEERS account?
A: Go to https://www3.tceq.texas.gov/steers/ and under the heading "I need:" click on "to create a new account". Follow the instructions to create your STEERS account. Make sure that you complete all steps to sign the STEERS Participation Agreement (SPA) electronically using your Texas Driver's License (TDL) OR if you do not possess a TDL generate a paper SPA. If you require assistance, please contact the STEERS Helpline at 512-239-6925 or steers@tceq.texas.gov.

Q2: How do I submit my initial and final report?
A: Emissions events should be reported through the State of Texas Electronic Environmental Reporting System (STEERS). Certain facilities meeting the definition of a small business may be able to submit information about the event using a paper form. Guidance is available on our Emissions Event web page . You can also call the agency's TexasEnviroHelp confidential hotline at 800-447-2827 for assistance.

Q3: In the initial notifications for reportable emissions events, what level of accuracy/quality is expected for the estimated quantities?
A: The initial notification of a reportable emissions event should include the estimated total quantity of emissions for compounds that are known through common process knowledge, past engineering analysis, or testing, to have equaled or exceeded the RQ, and this information is needed for each emissions point with emissions that reach an RQ.

"Estimated total quantity" is not specifically defined in the Texas Clean Air Act or in the TCEQ's rules; therefore, these terms have the meaning commonly ascribed to them in the field of air pollution control. "Estimated" is generally defined as "roughly calculated" or "approximate." TCEQ understands that estimates on the initial notification have not been finalized and are highly likely to change. However, we do need the best estimates available at the time of the notification.

The TCEQ Emissions Event Review Section uses the information on the initial notification to determine whether we should inform the applicable TCEQ Regional Office about what may be concerning levels of emissions. TCEQ is also responsible for ensuring the public information aspect of the emissions event reporting rules is being met; Texas Health and Safety Code, § 382.0215(e) requires the TCEQ to maintain a searchable, publicly accessible emissions event database. TCEQ sometimes receives initial notifications that appear to be reporting "placeholder" values as their estimated quantities (for example, reporting that 1 lb. of each compound will be emitted or reporting that exactly the RQ of each compound will be emitted). This practice does not adhere to the commonly understood meaning of "estimated total quantity," does not enable the TCEQ Emissions Event Review Section to coordinate effectively with regional offices and does not allow the public to access meaningful information about the incident. Providing reasonable estimates is necessary for TCEQ to evaluate risk and allocate emergency response resources as needed.

Note that a higher standard of quality is required for initial notifications of scheduled maintenance, startup, or shutdown (MSS) activities, and for final reports of emissions events, excess opacity events, and MSS. In these cases, "[g]ood engineering practice and methods must be used to provide reasonably accurate representations for emissions and opacity." See 30 TAC §§ 101.201(b)(1)(H); 101.201(b)(2)(H); 101.211(a)(1)(I); 101.211(b)(1)(I); and 101.211(b)(2)(I).

Q4: Where are the specific Reportable Quantities for compounds found?
A: The definition of Reportable Quality (RQ) is found in 30 TAC §101.1(89), (located at: https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=F&p_rloc=179081&p_tloc=29687&p_ploc=19850&pg=4&p_tac=&ti=30&pt=1&ch=101&rl=1.

As part of the RQ definition, the RQs found in 40 Code of Federal Regulations (CFR) Part 302, Table 302.4 (located at: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-302/section-302.4) and 40 CFR Part 335, Appendix A (located at: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-355/appendix-Appendix%20A%20to%20Part%20355) are incorporated by referenced.

If the compound is not listed, a default RQ of 100 pounds applies, per 30 TAC §101.1(89)(a)(ii).

Q5: Do I only report unauthorized emissions or the total emissions from the event?
A: On the initial notification, only report the total (authorized and unauthorized) emissions from the compounds that have equaled or exceeded a RQ. For the final report, the total emissions (authorized and unauthorized) from all compounds that were emitted should be reported.

Q6: Do I have to speciate my emissions, including natural gas and crude oil?
A: You do not have to speciate natural gas and crude oil if using the mixture reportable quantity (RQ) in 30 TAC §101.1(89)(B)(iv). However, if the material is being sent to a combustion device, combustion products must be listed. For a natural gas mixture, speciation is not required on either the initial notification or the final report. However, non-volatile organic compound (VOC) compounds should be speciated (*e.g.*, nitrogen oxide (NOx), carbon monoxide (CO), hydrogen sulfide (H2S), and sulfur dioxide (SO2)). An owner/operator can always provide VOC speciation for the natural gas mixture, but it is not required.

Q7: Should I report NO and NO2 or NOx on my initial notification and final report?
A: These should be reported as NOx. Per the NOx definition in 30 TAC § 101.1(70), the amounts of NO and NO2 should be combined and reported as oxides of nitrogen (NOx).

Additionally, the reportable quantity requirement in 30 TAC § 101.1(89)(A)(i)(III)(ff) states: "oxides of nitrogen - 200 pounds in ozone nonattainment, ozone maintenance, early action compact areas, Nueces County, and San Patricio County, and 5,000 pounds in all other areas of the state, which should be used instead of the RQs for nitrogen oxide and nitrogen dioxide provided in 40 CFR Part 302, Table 302.4, the column 'final RQ.'"

Q8: What do I do if STEERS reporting is not available (off-line)?
A: Email your emissions event initial notification or final report to the Emissions Event Review Section at EE@tceq.texas.gov. The Reportable Event/Activity Notification/Reporting Form can be found at:
https://www.tceq.texas.gov/downloads/compliance/investigations/assistance/tceq-10360.pdf

For assistance with completing the form, the instructions can be found at
https://www.tceq.texas.gov/downloads/compliance/investigations/assistance/tceq-10360-inst.pdf

Q9: Can I make a change to my initial notification after it has been submitted?
A: You can make changes to what was submitted on the initial notification when you submit the final report. Under 30 TAC § 101.201(c), a final record of the event is required to be submitted within two weeks after the end of the event if information has changed from the initial notification. If it is an excess opacity event, you can send an email to EE@tceq.texas.gov with the requested changes, since a final report is not required for excess opacity events.

Q10: How do I make a change to my final report after it has been submitted?
A: Submit an email to EE@tceq.texas.gov with the requested changes. Be sure to double-check the information before proceeding with the final submittal to minimize the need for changes to the final. Once the changes have been inputted, you should be alerted to verify the changes.

Q11: Once I submit a final report for an EE in STEERS, am I done?
A: No, other reporting requirements may apply, such as the emissions inventory (30 TAC § 101.10) and deviation reporting (30 TAC Chapter 122).

Oil and Gas

Q1: Which agency has jurisdiction over emissions from venting or flaring: the Railroad Commission of Texas (RRC) or the TCEQ?
A: The RRC regulates flaring and venting operations with respect to preventing the waste of natural resources through authorization by rule and exceptions (also known as permits) under its Statewide Rule 32.

The TCEQ has jurisdiction over air emissions resulting from flaring and venting operations at oil and gas production and processing sites.

Q2: What is considered to be a process unit or area common name, facility common name, and/or emission point common name at a storage tank battery/well pad, when reporting in STEERS?
A: The names for a process unit/area, facility, and emission point are names or identifiers commonly used to describe the general area at the site where the facility involved in the emissions event (EE), excess opacity event, or scheduled maintenance startup shutdown (MSS) activity is located.

Process Unit or Area Common Names might be the site name of the tank battery. For a gas plant it would not be the site name and it is not normally the facility or emissions point. Examples include, but are not limited to, cryogenic/distillation towers, amine sweetening units, dehydration processes, or loading racks.

Facility Common Name is the facility that experienced the emissions event. For example, it could be a flash drum, but should not be the flare (unless the flare is malfunctioning or not operating

properly).

Emission Point Common Name should be the common name where the unauthorized emissions that reached a RQ were released to the atmosphere (for example, a flare or vent).

Q3: In the case of a tank battery where the vents of the tanks are interconnected, and an incident occurs causing emissions from multiple tank thief hatches and the common pressure relief valve, should this be reported as multiple incidents or as a single incident for the entire tank battery?
A: If there is a common cause at the same regulated entity, you would report one event for the whole tank battery.