

## **Title 30 Texas Administrative Code (TAC) §106.359 Planned Maintenance, Startup, and Shutdown (MSS) at Oil and Gas Handling and Production Facilities Fact Sheet**

### ***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 permit."

### ***When is the effective date of 30 TAC §106.359?***

30 TAC §106.359 is effective September 10, 2013. However, until January 5, 2014 it is optional to claim or register MSS for most 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,
2. Calculate emissions for your MSS activities to ensure compliance with the emission limits of 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 CO or NO<sub>x</sub>
- 25 tpy of VOC, SO<sub>2</sub> or PM
- 15 tpy of PM<sub>10</sub>
- 10 tpy of PM<sub>2.5</sub>
- 10 tpy H<sub>2</sub>S or any other air contaminant considered a Hazardous Air Pollutant (HAP)
- 25 tpy of all other air contaminants except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen.

***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 hourly emission rates 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 Chapter 122. Major stationary source is defined in 30 TAC 116 and referenced in 30 TAC 106. Please refer to the website below for more information:

[http://www.tceq.texas.gov/permitting/air/nav/air\\_oppermits\\_v.html](http://www.tceq.texas.gov/permitting/air/nav/air_oppermits_v.html)

***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 applicability
3. Certify the control or destruction efficiency of specific equipment or process claimed in an authorization.

***What if I want to certify my MSS emissions?***

Certification of MSS emissions can be accomplished by submitting an APD-CERT form

***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?***

YES. First you must revise your authorization to either 30 TAC §106.352(l) or the standard permit in 30 TAC §116.620, and then you can claim 30 TAC §106.359 for your planned MSS emissions.

***My vapor recovery unit (VRU) that is controlling emissions from my storage tanks is going off-line for maintenance and now my tanks have no control. Can the emissions from my tanks be considered planned MSS?***

NO. Since your tanks are still operating, the emissions during this period are considered an alternate operating scenario. This type of action cannot be claimed under 30 TAC §106.359. However, the emissions from the planned maintenance on the VRU may be authorized under 30 TAC §106.359.

***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 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)?***

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

***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 no later than January 5, 2014.

***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 3rd party maintenance that takes place at their site.

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***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 : [AIROG@tceq.texas.gov](mailto:AIROG@tceq.texas.gov)
3. Call Small Business and Local Government Assistance at: 1-800-447-2827

Additional information can be found at [www.texasoilandgashelp.org](http://www.texasoilandgashelp.org)