

Texas Permitting Program Update from EPA

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Background

1992 - EPA fully approved the Texas PSD SIP

1990s - Texas began to add optional provisions to their air permitting program in advance of EPA final decisions to: include flexibility desired by permit holders, and bring previously unregulated major sources under a permit.

- **1994-2003 TX adopted Flexible Permit program [8 revisions in 9 years].**
- **1996 TX adopted 'Qualified Facilities' provision exempting individual units within facilities.**
- **EPA concerns about approvability**

2001 –EPA Approved TX Title V permit program

Background

2002 - EPA approved federal revisions to PAL & NSR reform program more stringent than TX. Increased inquiries to align federal/state programs.

2005/2006 - TX removed federal PSD cross reference from their SIP.

2007 - 'Fair Notice' letters to flexible permit holders.

2008 - Two citizen petitions and BCCA suit. EPA proposes partial approval/partial disapproval of Public Participation rule.

Background

2009

- **Agreement with BCCA on schedule for 30 backlogged SIP decisions.**
 - **Proposed disapproval of: Flexible Permits, Qualified Facilities, and NSR reform SIPs.**
 - **Forums with public, industry and State begin.**
 - **Objections to Title V operating permits with issues.**
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Background

2010

- **Bi-weekly meetings with TCEQ to explore pathways to resolve permit issues**
 - **41 Objections: since October 2009**
 - **No objection agreement with Conoco-Phillips and TOTAL, other companies**
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Path Forward

GOAL: 'Deflexing' approach that:

- Provides approach for TCEQ to revise permits
- Clarifies unit specific emission limits with associated monitoring, reporting, recordkeeping.
- Clarifies IBR and PBR issues
- Provides for public review

OPTIONS:

1. Federal 3rd party Audit
 2. Consent Agreement
 3. TCEQ + EPA Permit Process [?]
 4. Future federal action [enforcement, recall of permit, etc]
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Other Issues

- ❑ IBR of underlying permits
- ❑ Review of Permit-by-Rule program (in particular general PBRs)
- ❑ Alteration approval and TCEQ implementation
- ❑ Emissions Data - Confidential Business Information?

Flexible Permit Numbers 18287 and PSD-TX-730
Page 87

EMISSION SOURCES - EMISSIONS CAPS

AIR CONTAMINANT'S DATA

| Emission Point No. (1) | Source Name (2) | Air Contaminant Name (3) | Emission Rates* lb/hr TPY |
|-----------------------------------|---------------------------------|------------------------------------|-----------------------------------|
| | FINAL EMISSIONS CAP MSS CAP | NH ₃ NH ₃ | [REDACTED] |
| | | | |
| Individual Emission Limits | | | |
| SCU2T601 | Flexsorb Absorber Vent SCU2T601 | COS CS ₂ | |

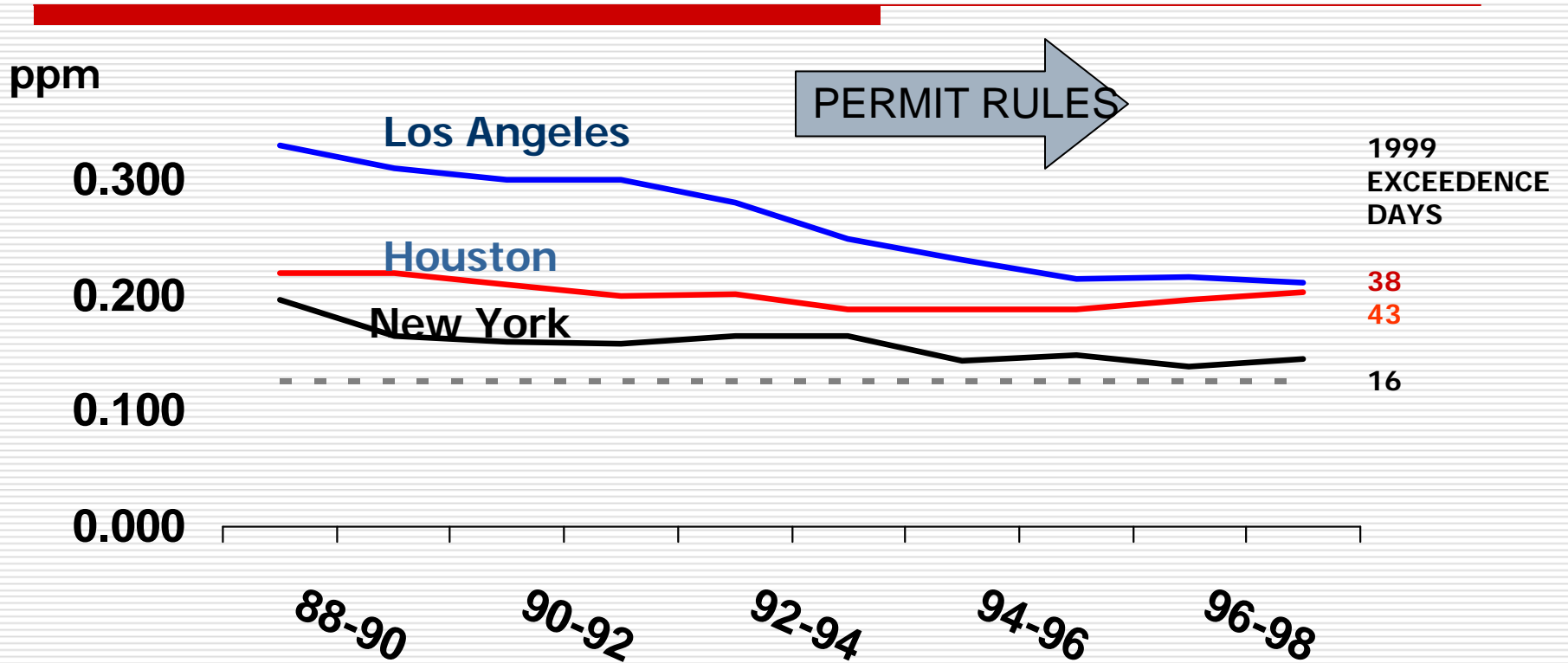
(1) Emission point identification - either specific equipment designation or emission point number from plot plan.
 (2) Specific point source name. For fugitive sources use area name or fugitive source name.
 (3) NOx - nitrogen oxide
 CO - carbon monoxide
 SO₂ - sulfur dioxide
 PM - particulate matter, suspended in the atmosphere, including PM₁₀
 PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.
 VOC - volatile organic compounds as defined in Title 30 Texas Administration Code § 101.1
 H₂S - hydrogen sulfide

(4) Fugitive emissions are an estimate only and should not be considered as a maximum allowable emission rate.
 (5) PSD source.

* Emission rates are based on and the facilities are limited by the following maximum operating schedule:
 Hrs/day ____ Days/week ____ Weeks/year ____ or Hrs/year 8,760

Dated _____

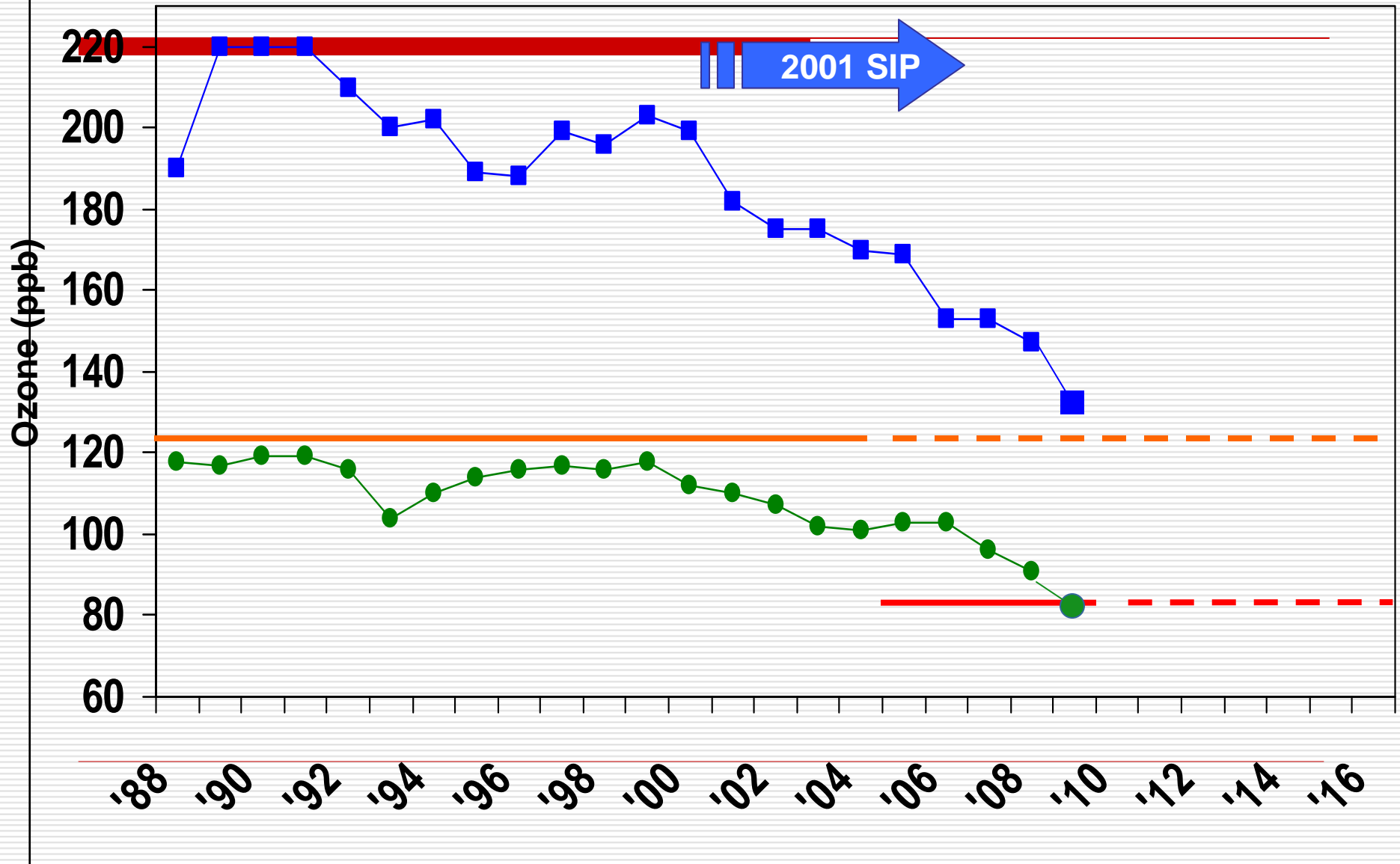
Houston Air Quality In 2000



Ten Year Trends in 1-HOUR Ozone Levels

Houston Air Quality

In 2010



2001 Houston SIP (Tons/Day NOX Reductions)

