Air Quality Standard Permit for Marine Loading Operations

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I. Executive Summary

The Texas Commission on Environmental Quality (TCEQ or commission) issues a non-rule air quality standard permit for marine loading operations (MLOs). The new standard permit offers applicants more flexibility when seeking authorization of MLO facilities. The new standard permit may be used to authorize stationary facilities, or groups of facilities, at a site that conducts MLO activities. The new standard permit is authorized by the Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC), Chapter 382 and is based on a comprehensive evaluation of air emissions and potential impacts.

II. Explanation and Background of Air Quality Standard Permit

The commission issues an air quality standard permit authorizing MLOs under the authority of THSC § 382.05195, Standard Permit; and Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Subchapter F, Standard Permits.

MLOs transfer and store gases and liquids (often referred to as materials within the standard permit). These sites use various types of storage, loading, and control equipment. The executive director's staff has reviewed numerous Permits by Rule (PBR) and New Source Review (NSR) permit application files to identify common MLO facilities, methods of operation, control techniques, emission rate calculation methodologies, and air contaminants to evaluate impacts. The facilities and operations reviewed by the executive director are the foundation of the Marine Loading Operations Standard Permit (MLO SP), and authorizations are limited to only those facilities, operations, air contaminants, and controls evaluated.

Prior to the development of this standard permit, the only available permitting mechanisms for air emissions from MLOs were through a combination of PBR authorizations under 30 TAC Chapter 106, Permits by Rule; Subchapter G, Combustion; Subchapter K, General; Subchapter U, Tanks, Storage, and Loading; and Subchapter V, Thermal Control Devices; or a case-by-case NSR permit as a 30 TAC § 116.111, General Application, authorization. This standard permit provides a preconstruction authorization mechanism that may be used by any MLO complying with its requirements provided the MLO is not prohibited by other local, state, or federal permitting statutes or regulations. The creation of this standard permit allows MLO facilities to have greater operational flexibility than PBR authorizations and provides a streamlined authorization process allowing authorizations to be issued more efficiently than case-by-case NSR permits.

III. Overview of Air Quality Standard Permit

This standard permit authorizes MLOs at both new (greenfield) and existing sites. It includes operating specifications and emission limitations for typical equipment (facilities) during routine operation and planned maintenance, startup, and shutdown (MSS). This standard permit includes a list of authorized facilities and activities as well as general and operational requirements.

The standard permit analysis is required by statute to include Best Available Control Technology (BACT) for each source. BACT is an emission limitation or control technique that results in the maximum degree of pollution reduction while maintaining technical and economic feasibility. The BACT requirements included in the MLO SP are based on existing Tier I BACT requirements as well as review of numerous existing facilities found at typical MLOs. The BACT requirements are considered commonly used for these sources and operation types.

This standard permit requires MLOs to comply with certain requirements, including but not limited to the following: administrative requirements, including registration and fee requirements; general requirements; operational and design requirements; recordkeeping requirements; impacts demonstrations; and executive director approval. This standard permit requires renewal of registration every ten years.

Applicants must submit calculations for all sources of emissions using TCEQ approved calculation methodologies. Authorized emissions are limited to those represented in the registration. Emissions can be voluntarily controlled when not specifically required for emissions reductions.

Applicants must calculate emissions at the highest represented operating rates. Examples of operating rates include firing rates, throughputs, and other measurable activities. Individual contaminants within a material should be calculated based on supporting documentation using appropriate analysis or other data, and this documentation must be included in the registration.

Initial performance testing is required for vapor combustion units, vapor oxidizers, boilers, and heaters to demonstrate compliance with representations made in the registration. All testing should be coordinated with the TCEQ Regional Office as outlined in the standard permit.

While this standard permit authorizes operation of a MLO, it is not intended to authorize all possible unit configurations or unusual operating scenarios. Those facilities that cannot meet the standard permit may apply for a permit under another authorization mechanism.

IV. Permit Condition Analysis and Justification

The following demonstrates how each section of this standard permit is enforceable and how the commission can adequately monitor compliance with the permit conditions.

Applicability

Section (a) outlines the applicability of registrations under this standard permit. This section covers new or modified facilities (i.e., units or equipment) and groups of facilities (fugitive components and piping) located at greenfield MLOs or existing, modified facilities that operate independently of other equipment on the site authorized through other permitting mechanisms.

Subsection (a)(1) ensures all sources included in the standard permit registration operate independently of other equipment on the site authorized through other permitting mechanisms. This is required because the impacts evaluation must consider the MLO in its entirety for the protectiveness review. Existing sources previously authorized under a PBR or other permitting mechanisms associated with the MLO shall be incorporated into the standard permit authorization at the time of registration and must meet all applicable requirements within this standard permit. If a source authorized by this standard permit ceases to operate independently from other sources at the site, authorization under this standard permit will no longer be valid. Additionally, requirements within the standard permit do not apply to facilities not represented in the registration; therefore, these facilities are not authorized by the standard permit and should be authorized through other permitting mechanisms.

Subsection (a)(2) requires owners and operators to comply with all applicable provisions of the THSC, Texas Water Code, the rules of the commission, and any other applicable federal, state, or local regulations. If operations or activities from the MLO cannot meet the limitations or requirements of this standard permit, the site cannot be authorized by this standard permit.

Subsection (a)(3) limits standard permit applicability to facilities with chemicals for which an effects screening level (ESL) has been established and listed within the Toxicity Factor Database. If an ESL cannot be obtained from the Toxicity Factor Database, the applicant must seek authorization for the MLO under a case-by-case NSR permit.

This subsection also states that a benzene impacts analysis is required for benzene in concentrations greater than 1 percent (%) in gasoline or crude oil. A methyl tert-butyl ether (MTBE) impacts analysis is required for MTBE if it is present in any concentration in the gasoline. If a constituent is not present in the mixture, it does not need to be evaluated.

Additionally, the TCEQ is aware that not all gasoline additives have specific ESLs that have been established within the Toxicity Factor Database. Gasoline additives have a generic ESL listed within TCEQ's Toxicology's Toxicity Factor Database. If the gasoline additive represented in the standard permit registration does not have its own specific ESL, the generic ESL can be used to conduct the impacts analysis for the represented gasoline additive.

Subsection (a)(4) prohibits the use of the standard permit for MLOs that should obtain a Prevention of Significant Deterioration or Nonattainment NSR authorization per 30 TAC § 116.610, Applicability.

Subsection (a)(5) identifies Standard Industrial Classification (SIC) codes that cannot be authorized by the standard permit. All other classification codes that meet the requirements of (a)(5) can be authorized under this standard permit. If the SIC code is specifically excluded in (a)(5), authorization through another permitting mechanism should be obtained.

Definitions
Section (b) establishes that the words and terms in this standard permit have the meanings listed in 30 TAC Chapter 116, Subchapter A, Definitions, unless the context indicates otherwise. Unless specifically defined in the TCAA or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control.

Authorized Facilities and Activities
Section (c) establishes which facilities and activities are authorized under this standard permit. These are all facilities and sources commonly permitted in association with MLOs.

Administrative Requirements
Section (d) establishes the administrative requirements for the use of the MLO SP. Subsection (d)(1) requires that the applicant receive written approval from the TCEQ confirming that the MLO meets the terms and conditions of the standard permit in order to begin construction or operation of facilities. The general requirements for standard permit authorizations found in 30 TAC Chapter 116 are applicable to facilities authorized

under the MLO SP, including registration requirements, fee requirements, and other specific conditions within the rule language.

An updated registration, including a fee and written approval, is required for facilities authorized under this standard permit if a new facility is being authorized or there is a change in the method of control or character of emissions (including the addition of a new chemical), a change results in an increase of previously represented concentrations at or beyond the property boundary for any contaminant authorized by the registration, a change results in an increase in the previously authorized emission rate of any air contaminant represented in the registration, or any new air contaminants will be emitted. Any other change to a facility authorized under the MLO SP not listed in subsection (d)(3) requires notification to the TCEQ within 30 days of making the change.

Emission Limitations and Impacts Evaluations
Section (e) addresses the obligation of the owner or operator to ensure protection of human health and welfare, and to demonstrate compliance with applicable ambient air standards. The criteria in this section were selected to ensure a cumulative analysis is not needed. A cumulative analysis is not suited for the timelines required for the review and approval of an MLO registration. A case-by-case NSR authorization may be better suited for MLO sites that require a cumulative analysis.

This section requires each registration to include an air quality analysis of the potential impact on the environment and human health associated with emissions from a new or modified facility authorized under this standard permit. The air quality analysis shall use the tables in section (h) to evaluate the emissions represented in the registration. The results from the air quality analysis ensure that authorized emissions will not cause or contribute to an exceedance of a National Ambient Air Quality Standard (NAAQS) and would be protective of human health, general welfare, and physical property.

General Requirements
Section (f) addresses general requirements for facilities operating under the MLO SP. Among these requirements are specific guidelines that monitoring data should be used to demonstrate compliance with representations made in the registration, including emissions estimates. Emissions estimation methods must comply with TCEQ guidance and any applicable federal regulations, including the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP). Where control of emissions is relied upon to meet emissions representations, control monitoring is required as established in the operational requirements. Initial performance testing, monitoring, recordkeeping, and reporting must demonstrate initial and continuous compliance with the representations made in the registration. The records required to demonstrate compliance with representations made in the MLO SP registration shall be maintained as outlined in the requirements of subsection (f)(5) and 30 TAC § 116.615, General Conditions. This standard permit also requires compliance with the general prohibition against causing a nuisance in 30 TAC § 101.4, Nuisance. Complaints from affected persons of nuisance odors from the facility that are verified by personnel from the TCEQ or any air pollution control agency with jurisdiction shall be the basis for requiring prompt remedial action, such as audio, visual, olfactory (AVO) checks, to eliminate such odors.

Chemical Accident Prevention Provisions in Title 40, Code of Federal Regulations (40 CFR) Part 68 must be followed if the MLO contains a listed substance exceeding the applicable threshold. If 40 CFR Part 68 is applicable, a Risk Management Plan (RMP)

must be maintained on site and a copy must be submitted to the TCEQ Regional Office prior to the start of operation.

Operational Requirements
Operational requirements in section (g) address specific operational and monitoring requirements for facilities authorized under this standard permit. These requirements were developed using the special conditions typically found in NSR permits to assist in the creation of a streamlined authorization. This ensures that facilities at an MLO will meet BACT and Best Management Practices (BMPs) to ensure proper operation of facilities authorized under this standard permit.

Subsection (g)(1) requires that all facilities that have the potential to emit air contaminants be maintained in good working order and operated properly during facility operations. This standard permit requires the owner or operator to establish a program to replace, repair, and maintain facilities to keep them in good working order, including inspection programs, replacement and repair schedules, and compliance with manufacturer specifications and recommendations.

Subsection (g)(2) requires all facilities to be operated at least 25 feet from any property line. The 25-foot distance requirement is based on the receptor grid used in the protectiveness review for land-based facilities. The 25-foot distance limitation does not apply to marine loading facilities located on state waters. For barges and ships operating on water, the specific emissions being evaluated are related to marine vessel loading/unloading typically located at an adjacent dock. While the emissions may be occurring “off-property,” they are considered “on-property” while the loading/unloading activity is occurring. Further discussion can be found in Section V, Protectiveness Review.

Subsection (g)(4) requires a continuous hydrogen sulfide (H_2S) monitoring system be installed for fuel gas combustion devices authorized by this permit. Natural gas is not considered to be fuel gas unless combined with some quantity of fuel gas, as defined by 40 CFR § 60.101, Definitions. The units shall be operated in accordance with the fuel sulfur monitoring requirements of 40 CFR § 60.105, Monitoring of Emissions and Operations, (NSPS Subpart J, Standards of Performance for Petroleum Refineries), which includes flares put into service after 2008. When the facilities that are fired using fuel gas are incorporated into the MLO SP, the requirements of this standard permit become applicable. An existing H_2S monitoring system can be used to show compliance with the standard permit requirements, as long as the H_2S monitoring system is installed on a fuel gas line that is common to the fuel gas combustion devices. Recordkeeping must be maintained to demonstrate compliance per 40 CFR § 60.105 and standard permit requirements.

The combustion of halogenated compounds is specifically excluded from authorization under this standard permit.

Initial Determination of Compliance
Subsection (g)(6) requires an initial determination of compliance for vapor combustion units, vapor oxidizers, boilers, and heaters authorized under this standard permit to demonstrate compliance with registration representations. This initial determination of compliance testing should be coordinated with the TCEQ Regional Office to determine methodologies and other details of the testing not outlined within the permit requirements.

Opacity Requirements
Opacity requirements are specified in subsection (g)(7), as well as compliance demonstration requirements. The opacity requirements in subsection (g)(7) codify the BACT requirements for engines, boilers, and heaters that there will be less than 5% opacity from these sources during normal operations. This subsection also provides the method for demonstrating compliance with this limitation as well as what steps to take if visible emissions are detected.

Loading Operations
General requirements for loading operations are covered in subsection (g)(8). These requirements include recordkeeping and technical requirements. Loading operations authorized by this standard permit should be included in the registration documentation, including loading and unloading of the materials, emission rates, throughputs, and other data required for a demonstration of compliance with the permit requirements. Records demonstrating compliance with these representations are outlined in this section.

General emissions reduction strategies should be implemented for all loading activities. Submerged or bottom loading is required for all liquid loading operations and the loading of materials with vapor pressure greater than or equal to 0.5 psia (pounds per square inch absolute) at 95 degrees Fahrenheit (°F) or the loading temperature, whichever is higher, is required to be routed to a control device.

Gaseous or liquid materials loaded into or out of drums, totes, containers, International Organization for Standardization (ISO) containers, tanks, trucks, railcars, barges, or ships are authorized under this standard permit.

This standard permit also includes specific monitoring and operational requirements to ensure proper operation of emission collection equipment and compliance with emissions representations.

Marine Loading
The requirements for marine loading were determined through the review of BACT and operational requirements present in several case-by-case NSR permits. Marine loading requirements are outlined in subsection (g)(9) of this standard permit. All marine loading activities related to or dependent upon marine loading operation that occur over land shall operate at least 25 feet from any property line. Marine loading activities occurring over state waters are considered to be occurring on property, and the property line is assumed to extend 25 meters from the vessel. Additional information and examples may be found in Section V, Protectiveness Review.

Marine loading facilities authorized under this standard permit include loading points for both inerted and non-inerted marine vessels. For marine loading collection efficiencies, the TCEQ *Marine Loading Collection Efficiency Guidance* should be consulted to determine proper requirements for represented collection efficiencies. The guidance can be found by searching for the document on the TCEQ website.

Controlled loading is required to be connected to a vapor collection system for all MLOs as stated in paragraph (g)(9)(C). Non-inerted marine vessels, commonly referred to as inland barges, loading materials with vapor pressure greater than or equal to 0.5 psia at 95 °F or the loading temperature, whichever is higher, are also required to install a blower system to produce a vacuum during loading operations. Specific operational and monitoring requirements are included in this standard permit to ensure emissions are

captured as represented in the registration. Annual vapor tightness testing is required for marine vessels prior to the loading of material from facilities authorized under the MLO SP.

As stated in paragraph (g)(9)(D), for inerted vessels loading materials with vapor pressure greater than or equal to 0.5 psia at 95 °F or the loading temperature, whichever is higher, a vapor tightness test is required prior to material being loaded into the vessel. Specific operational requirements are also included for inerted marine vessel loading, including pressure monitoring. AVO checks are required during the first hour and every eight hours thereafter for onshore equipment and on board the ship. The AVO checks can be conducted by the terminal or marine vessel operators. AVO is the best management practice to ensure the marine vessel has minimal leaks resulting in a high collection efficiency. The standard permit identifies the procedures required to be followed when leaks are detected.

Paragraph (g)(9)(E) includes specific recordkeeping requirements for MLOs to demonstrate compliance with standard permit registration representations.

Truck Loading
Recordkeeping requirements for truck loading operations authorized under the MLO SP are addressed in paragraph (g)(10)(A) and include sufficient information to demonstrate compliance with registration representations.

Paragraph (g)(10)(A) requires that records indicate the method of transfer of materials and any recent service or clean and vapor free status of the tank truck before loading. The method of transfer and recent service is intended to capture the saturation factor used in emissions calculations using the United States Environmental Protection Agency (EPA) *Compilation of Air Pollutant Emissions Factors* (AP-42), Chapter 5, Petroleum Industry, Table 5.2-1, Saturation (S) Factors for Calculating Petroleum Liquid Loading Losses (dated July 2008 or later edition).

Prior to truck loading operations, all lines and connectors must be visually inspected for defects to prevent unrepresented emissions. Truck loading collection efficiencies must be represented in the registration in compliance with the requirements of this standard permit. In the case of controlled truck loading, pressure testing is required to be confirmed as outlined in the MLO SP.

Rail Loading
Rail loading requirements are outlined in subsection (g)(11) of this permit. If claiming 100% collection efficiency for controlled railcar loading, railcars must have hard-piped or bolted connections and must be pressure certified prior to any loading activity as outlined in the MLO SP. These requirements ensure emissions generated during loading are captured and allow a claim of 100% collection efficiency. If a material has a vapor pressure below 0.5 psia at 95 °F or the loading temperature, whichever is higher the applicant can claim a 95% collection efficiency and does not have to undergo additional testing requirements.

Drum, Tote, and Non-ISO Container Loading
Subsection (g)(12) outlines the loading requirements for these sources. Loading of drums, totes, and non-ISO containers is required to be performed within an enclosure for materials with vapor pressure greater than or equal to 0.5 psia at 95 °F or the loading temperature, whichever is higher, with collected vapors being routed to a control device

authorized in the MLO SP registration. Controlled loading of these containers is required to be done within a total enclosure or a partial enclosure that has a minimum capture velocity of 200 feet per minute. This capture velocity requirement ensures that the emissions generated during loading do not escape into the atmosphere and are collected by the vapor recovery system.

Drums, totes and non-ISO containers shall remain closed at all times. Emissions associated with these facilities must only occur during loading operations.

Gasoline Loading
Loading of gasoline in the counties listed in 30 TAC § 114.309, Affected Counties, must meet additional requirements, as listed in paragraph (g)(13)(A). The specific requirements for monthly Reid vapor pressure (RVP) standards are included in 40 CFR § 80.27(a)(2),Controls and Prohibitions on Gasoline Volatility, and American Society for Testing and Materials (ASTM) D4814. The data required to demonstrate compliance with these requirements and registration representations should be collected as required by the standard permit.

Requirements that apply to regenerative carbon adsorption systems (CAS) at gasoline loading operations include quality assurance monitoring and an alarm for CAS breakthrough. These monitoring and quality assurance requirements are included to ensure that the CAS is operating properly and that actual emissions are within the represented emission rates.

Fugitives
Subsection (g)(14) establishes that for standard permit authorization purposes, the term fugitive describes emissions from certain equipment, including valves, pipe flanges and connectors, seals, pumps, compressors, instrumentation, and the like (often referenced as fugitive components). Fugitive emissions are assumed to be released to the atmosphere at ambient temperature, have little or no velocity, and are often close to the ground.

Fugitive emission rates are estimated by counting the number of fugitive components, multiplying by appropriate emission factors based on component type and service, and applying control credit based on a monitoring program. The uncontrolled fugitive emission rates used to determine leak detection and repair (LDAR) program applicability are based on sitewide fugitive emission rates, not only the emissions proposed to be authorized by the standard permit. For example, the project may have lower emissions than the tons per year at which an LDAR program is required, but the total uncontrolled site emissions are used to determine which LDAR program applies.

Fugitive emission control credits can be claimed when implementing LDAR programs. LDAR programs require the inspection of fugitive components to identify leaks either by using instruments or physical inspections. Leaks identified by the inspections must be repaired within a specified time period, thus reducing the emissions. Some LDAR programs are required under specific situations. An applicant can represent a more stringent LDAR program than required to further reduce emissions.

For a more detailed discussion on the topic of fugitive emissions representations, consult *Air Permit Technical Guidance for Chemical Sources Fugitive Guidance (APDG 6422)*. The guidance can be found by searching for the document on the TCEQ website.

Pollution prevention should be considered when designing a process unit to minimize the number of piping components. Control of fugitive emissions involves minimizing leaks and spills through equipment changes, monitoring, housekeeping, and maintenance practices. Maintenance of fugitive components requires purging associated piping and equipment prior to repair or replacement of valves, flanges, and seals.

Storage Tanks and ISO Containers
Emissions from the routine operation of storage tanks, including pressurized tanks and ISO containers, totes, drums, or containers, are authorized under this standard permit.

Specific monitoring requirements are included for constant level tanks and heated tanks to ensure compliance with registration representations, including liquid height and temperature.

Emissions control requirements include the use of submerged fill pipes, and control is required for materials with vapor pressure greater than or equal to 0.5 psia and less than 11.0 psia at 95 °F unless the tank is pressurized or smaller than 25,000 gallons in capacity. Materials with vapor pressure greater than 11.0 psia at 95 °F shall be stored in pressurized tanks or atmospheric tanks that are routed to control.

Specific requirements are listed in subsection (g)(15) for internal floating roof tanks and fixed-roof tanks, including inspection, design, and tank color requirements. Additionally, new tanks should be constructed with a drain-dry design as defined in AP-42 Chapter 7, Liquid Storage Tanks. However, if any standing liquid remains in the tank or sump after draining the tank, any emissions from a partial heel shall be represented in the registration.

Records of H_2S concentrations of stored materials authorized in the registration must demonstrate compliance with representations using the test methods specified in the MLO SP and using the procedures outlined in paragraph (g)(15)(F).

Authorization of convenience tank roof landings not associated with MSS control landings are included in the normal operations of storage tank facilities within the requirements of this standard permit. These operational and monitoring requirements, including the requirement to control emissions when the floating roof is landed on its legs, are included in the standard permit to reduce the emissions associated with these routine activities. These requirements ensure that control is maintained on the tank when it is operating in a routine manner.

Pressurized tanks authorized under the MLO SP that operate with a pressure greater than 15 pounds per square inch gauge (psig) above atmospheric pressure and ISO containers must be maintained with sufficient pressure to prevent the release of emissions during normal operations, including loading.

Capture Systems
Subsection (g)(16) establishes that emissions from routine operations and MSS activities routed to control devices are authorized under this standard permit.

BACT requirements ensure proper construction, operation, and monitoring of control devices to verify that emissions are controlled as represented in registrations. Specific destruction efficiencies shall be represented in the registration and must be consistent with the minimum requirements outlined in the standard permit. Requirements are also

included for capture systems for control devices associated with facilities that are subject to Compliance Assurance Monitoring Requirements.

Flares
Subsection (g)(17) details the requirements for flares. The standard permit requires that flares be designed and operated in such a way that ignition of the flare tip and proper combustion of the stream is achieved. Proper design and maintenance of the flare will ensure that the stream going to the flare will be combusted and the emissions controlled. To achieve this performance, flares require the appropriate amount of waste and fuel flow for complete combustion to occur.

The requirements of 40 CFR § 60.18, General Control Device and Work Practice Requirements, include the following: flare tip, velocity, heating value, and opacity requirements. Requiring sufficient heat content of the waste gas and assist gas stream, a minimum waste gas residence time in the combustion zone, a continuously burning pilot or auto-ignition system, and smokeless operation ensures represented emission rates will be met. Additionally, as an alternative to installing a composition analyzer or calorimeter, the records of the vent stream flow to the flare and the flow of assist gas can be used to demonstrate compliance with 40 CFR § 60.18, assuming the vent stream has no net heating value (0 British thermal units per standard cubic foot).

The flare is required to achieve at least 98% H_2S conversion to SO_2. Emissions of SO_2 may be based on a conversion rate of 100% of H_2S.

A volatile organic compound (VOC) destruction efficiency of 98% for routine operation and planned MSS emissions shall be represented and a VOC destruction efficiency of 99% can be represented for methanol, ethanol, propanol, ethylene oxide, propylene oxide, and other compounds composed of hydrogen and up to three carbon atoms.

Vapor Combustion Units (VCUs)
The requirements for VCUs are outlined in subsection (g)(18). This standard permit requires that VCUs achieve a minimum destruction efficiency of 99% of the waste stream. Temperature monitoring and initial stack testing are used to ensure the minimum destruction efficiency is achieved. The minimum temperature requirement is achieved by continuous monitoring of the pilot flame with either a thermocouple or an infrared monitor, with instances of the loss of the pilot flame being recorded. These temperature monitoring requirements ensure that the VCU is achieving a minimum temperature to achieve the required destruction efficiency. A minimum temperature of 1400°F is included in the permit to ensure that VCUs will operate at a temperature that will achieve the represented destruction efficiency. The stack testing of the VCUs requires that the units operate at the maximum rate, ensuring the units will operate in accordance with the representations made in the registration.

Vapor Oxidizers
The requirements for vapor oxidizers are outlined in subsection (g)(19). This standard permit allows the use of thermal, regenerative thermal, and catalytic oxidizers to control waste gas streams. Each oxidizer type is required to control the waste stream to a minimum destruction efficiency or a minimum exhaust gas VOC concentration. The option to comply with a minimum exhaust gas VOC concentration allows for oxidizers that control waste streams with a low VOC concentration, as it could potentially be difficult to prove the minimum VOC destruction efficiency for these types of waste streams. Thermal oxidizers must limit nitrogen oxide (NO_x) emissions to no more than

0.06 pounds of NO_x per million British Thermal Units (MMBtu). All oxidizers authorized in this permit must undergo initial stack testing to demonstrate compliance with the representations in the registration. A minimum firebox temperature and oxygen concentration are required for oxidizers, with catalytic oxidizers requiring additional temperature monitoring before and after the catalyst bed. For regenerative thermal oxidizers, catalytic oxidizers that emit less than 2 tons per year (tpy) of VOC, or thermal oxidizers that emit less than 10 tpy of VOC, the use of an oxygen analyzer is required unless a Continuous Emissions Monitoring System (CEMS) is used to ensure that the unit is achieving the exhaust oxygen concentration requirements outlined in the permit. The oxygen concentration, minimum temperature requirements, and monitoring requirements are used to ensure that adequate combustion is achieved within the oxidizers and emissions are controlled to the levels required in this standard permit. Catalytic oxidizers that emit more than 2 tpy of VOC, or thermal oxidizers emitting more than 10 tpy of VOC, must use a CEMS. CEMS must meet the design, performance, and quality assurance requirements outlined in 40 CFR Part 60, Standards of Performance for New Stationary Sources, Appendix B, Performance Specification; and Appendix F, Quality Assurance Procedures.

Carbon Adsorption Systems (CAS)
The requirements for CAS are outlined in subsection (g)(20). This standard permit allows the use of both non-regenerative and regenerative CAS. Regenerative CAS are those systems which regenerate the carbon bed directly upon breakthrough. Non-regenerative CAS are those systems which do not regenerate the carbon bed directly upon breakthrough and instead, spent carbon beds are physically removed from the system and replaced with fresh carbon beds upon breakthrough. Continuous monitoring is required for regenerative CAS to ensure that regeneration system can initiate carbon bed regeneration before breakthrough is reached. Hourly monitoring is required for non-regenerative CAS to ensure that spent carbon beds are removed from the system upon breakthrough.

CAS VOC sampling is required to be performed using an instrument that meets the requirements of EPA 40 CFR Part 60, Appendix A-7, Method 21—Determination of Volatile Organic Compound Leaks. Other methods require case-by-case evaluation for use. The breakthrough concentration is monitored by this instrument to ensure that the CAS is adequately controlling VOC waste streams. Regenerative CAS and other CAS equipped with CEMS must meet the performance specifications and quality assurance procedures outlined in 40 CFR Part 60, Appendices B and F.

Boilers and Heaters
Subsection (g)(21) establishes that emissions from boilers and heaters are authorized under this standard permit. Approved emission factors from AP-42 or vendor information must be used to demonstrate the emission rates represented in the registration are met.

Requirements of the standard permit are specific to the design maximum heat input capacity of each unit, which must be identified in the registration. The requirements of the standard permit are applicable to the specific unit sizes identified within the registration. Boilers with a design heat input capacity greater than 40 MMBtu per hour (MMBtu/hr) are subject to additional emissions, operational, and monitoring requirements, as are heaters with a design heat input capacity exceeding 100 MMBtu/hr. Fuel used to fire boilers and heaters must be represented in the registration and is limited to the types listed in the standard permit. Note that equipment must be fired on the fuel represented in the registration. Units with a firing rate greater than or equal to

100 MMBtu/hr must be equipped with a CEMS. The CEMS for these units must maintain a record of the in-stack concentration of NO_x, carbon monoxide (CO), and oxygen (O_2). To ensure the CEMS is operated properly, it is subject to the quality assurance requirements of 40 CFR Part 60, Appendices B and F. Additionally, the use of selective catalytic reduction (SCR) is an option provided the ammonia slip requirements and ammonia monitoring requirements of the standard permit are met.

Emergency Engines
Emergency engines are authorized under this standard permit for 100 hours of non-emergency operation per engine per rolling 12-month period.

Subsection (g)(22) details the requirements for emergency engines. New and/or modified emergency engines must meet specific fuel requirements and are limited to 100 hours of operation during non-emergency situations. These requirements are based on Tier I BACT and federal NSPS.

Maintenance, Startup, and Shutdown (MSS)
Subsection (g)(23) establishes that planned MSS emissions associated with facilities authorized under this standard permit must be included in the registration.

Specific requirements in the standard permit address the monitoring required to ensure impacts from venting MSS emissions directly to the atmosphere are minimized per BMP. Temporary control devices can be used during MSS activities and must meet the same requirements as permanent control devices to ensure proper control is represented and maintained. Storage tanks must be degassed to a controlled degassing target concentration before they can be opened to the atmosphere. “Opened to atmosphere” means there is a hatch or manway open to ventilate the tank and this should not occur during normal operations. This standard permit requires that this target concentration be lower than or equal to 10,000 parts per million by volume (ppmv) of VOC. The target concentration can be measured to 10% of the Lower Explosive Limit (LEL) if the MSS calculations for the tank were based on a target concentration of 10,000 ppmv. The use of 10% of the LEL cannot be used if the calculations were based on a number lower than 10,000 ppmv because the use of the LEL standard could potentially allow applicants who based MSS calculations on concentrations lower than 10,000 ppmv to exceed their representations. The LEL option is allowed for emissions based on 10,000 ppmv because 10% of the LEL is typically lower than that concentration for a given VOC.

Emission Impact Tables and Descriptions
The tables in section (h) are used to determine if the emissions represented in the registration are protective of human health and welfare and demonstrate compliance with applicable ambient air standards. Table 1 provides the information for conducting the air quality analysis and the criteria required to determine if the impacts are acceptable. Tables 2-5F summarize the unit impact multipliers (UIMs) by region, emission point, distance, and averaging period. The modeling used to develop the UIMs is described in Section V, Protectiveness Review. The appropriate UIM must be multiplied by the proposed emission rate for each emission point number (EPN). The predicted impact for each EPN will be summed and compared to the applicable requirements listed in section (e) and Table 1 of section (h) to determine if air quality impacts are acceptable. Table 6 summarizes the minimum discharge parameters used in the modeling. The discharge parameters of all sources represented in the registration must be greater than or equal to the applicable parameters in Table 6.

V. Protectiveness Review

Modeling was performed in support of the MLO SP. The modeling was conducted for four TCEQ regions, each with counties located along the coast. The TCEQ regions are Region 10 (Beaumont), Region 12 (Houston), Region 14 (Corpus Christi), and Region 15 (Brownsville).

The modeling was conducted with AERMOD (Version 19191) for a number of MLO facilities using an emission rate of 1 lb/hr for each source to determine generic short-term and long-term predictions at various setback distances. The MLO facilities have emissions from stacks and emissions that are fugitive in nature. The determination of the modeled source parameters was based on a review of previously submitted permit applications for MLO projects and selecting source parameters to minimize plume rise in order to estimate conservative impacts.

Emissions from vapor combustor units (VCUs), flares, heaters, boilers, emergency engines, and portable control devices were modeled as point sources using the parameters listed in Table 1. The model predictions associated with the VCUs can also be used for thermal oxidizers. The temperature and exit velocity for the flares are TCEQ default values and the exit diameters represent relatively small values selected to limit the amount of plume rise modeled from the flares.

Emissions from storage tanks, fuel storage tanks, truck loading, rail loading, barge loading, ship loading, and fugitive emissions (piping, valves, etc.) were modeled as volume sources using the parameters listed in Table 2. A cube with a side length of one foot was used to calculate the initial horizontal sigmas for all volume sources. The initial vertical sigmas for storage tanks and fuel storage tanks are based on the source heights, consistent with EPA guidance for elevated volume sources located on a building. The initial vertical sigmas for loading activities (truck, rail, barge, ship) and fugitive emissions are based on EPA guidance for elevated volume sources not located on or adjacent to a building.

The model predictions associated with Model ID TANK12 can also be used for vacuum trucks. The model predictions associated with Model ID FUELTANK can also be used for emissions from a CAS, pressurized tank MSS, and ISO container MSS. The model predictions associated with Model ID FUG can also be used for emissions from drum, non-ISO container, and tote loading, as well as planned MSS emissions associated with non-tank MSS activities.

Table 1. Point Source Parameter Information

Source	Model ID	Release Height (ft)	Exit Temperature (°F)	Exit Velocity (ft/sec)	Exit Diameter (ft)
VCU	VCU40	40	1200	32	7
VCU	VCU50	50	1200	32	7
VCU	VCU60	60	1200	32	7
Flare	FLARE30	30	1832	65.6	1
Flare	FLARE40	40	1832	65.6	1
Flare	FLARE50	50	1832	65.6	1
Heater	HEATER	20	350	17	4
Boiler	BOILER	30	330	24	2.8
Emergency Engine	ENGINE8	8	600	90	0.3
Emergency Engine	ENGINE12	12	600	90	0.3
Portable Control Device	PORTCD12	12	1400	32	2
Portable Control Device	PORTCD20	20	1400	32	2

Table 2. Volume Source Parameter Information

Source	Model ID	Release Height (ft)	Horizontal Sigma (ft)	Vertical Sigma (ft)
Storage Tank	TANK12	12	0.233	5.58
Storage Tank	TANK30	30	0.233	13.95
Storage Tank	TANK35	35	0.233	16.28
Storage Tank	TANK40	40	0.233	18.6
Storage Tank	TANK45	45	0.233	20.93
Storage Tank	TANK50	50	0.233	23.26
Fuel Storage Tank	FUELTANK	3	0.233	1.4
Truck Loading	TRUCK	8	0.233	0.233
Railcar Loading	RAIL	10	0.233	0.233
Barge Loading	BARGE10	10	0.233	0.233
Barge Loading	BARGE15	15	0.233	0.233
Barge Loading	BARGE20	20	0.233	0.233
Ship Loading	SHIP30	30	0.233	0.233
Ship Loading	SHIP40	40	0.233	0.233
Ship Loading	SHIP50	50	0.233	0.233
Fugitives	FUG	3	0.233	0.233

The modeling utilized five years of meteorological data (years 2011-2015) from stations representative of TCEQ Regions 10 (Port Arthur surface; Lake Charles upper air), 12 (Houston surface; Lake Charles upper air), 14 (Corpus Christi surface and upper air), and 15 (Brownsville surface and upper air). Raw surface and upper air meteorological data were processed using AERMET together with surface characteristic values for albedo, Bowen ratio, and surface roughness length derived from AERSURFACE to develop meteorological data sets for AERMOD.

As noted above, the modeling was conducted using receptor grids that started at various setback distances from the modeled sources. For sources located on land (all sources except for barge and ship sources), the starting setback distances are 25 feet, 50 feet, 100 feet, 200 feet, 300 feet, 400 feet, 500 feet, 750 feet, and 1000 feet. For sources located over water (barge and ship sources), the starting setback distance is 25 meters. A distance of 25 meters is used as a starting point to represent an area that is reasonably expected to be controlled when barge/ship loading activities are occurring. Receptors with a grid spacing of 25 meters extended from the starting setback distance out 200 meters. Receptors with a grid spacing of 100 meters extended from the starting setback distance out 1000 meters.

The generic results, referred to as UIMs, are summarized in section (h) by TCEQ region and averaging period. Tables 2a – 2f have results for TCEQ Region 10; Tables 3a – 3f have results for TCEQ Region 12; Tables 4a – 4f have results for TCEQ Region 14; and Tables 5a – 5f have results for TCEQ Region 15.

The procedure for determining if air quality impacts are acceptable is contained in subsection (e)(3) and section (h). MLOs use a variety of process equipment which can be arranged in an almost infinite number of possible configurations. To provide flexibility, applicants will use the generic modeling results to determine if the air quality impacts are acceptable for a proposed project. The applicant will select the UIMs from the tables in section (h) that most closely represent the proposed EPNs. When selecting the appropriate UIM, distances to the nearest property line and release heights are not interpolated. The next lowest height and lesser distance shall be used for determination of the appropriate UIM. All sources located on land shall be at least 25 feet from the nearest property line. Sources located over water will use 25 meters as the distance to the nearest property line to represent an area that is reasonably expected to be controlled when barge/ship loading activities are occurring. The appropriate UIM will be multiplied by the proposed emission rate for each EPN. The predicted impact for each EPN will be summed and compared to the applicable requirements listed in section (e) and Table 1 of section (h) to determine if air quality impacts are acceptable.

Example Impacts Analysis

As noted above, applicants will use the generic modeling results to determine if the air quality impacts are acceptable for a proposed project. The following provides an example calculation using the requirements of the standard permit. The application for this example is adding to an existing site in Region 10 and is subject to the requirements in paragraph (e)(2)(B). The applicant is proposing an increase in constituent A from a tank and ship loading. The tank has a height of 30 feet; is located 100 feet from property line; and has a proposed increase of 0.1 lb/hr of constituent A. The ship loading vent has a release height of 45 feet and a proposed increase of 1.5 lb/hr of constituent A. The 1-hr ESL for constituent A is 5000 µg/m^3. The predicted ground level concentration would be calculated as follows:

$$GLCmax = (\mathrm{X}tank * ERtank) + (Xship * ERship)$$

Where:

GLCmax = maximum off-property ground level concentration for the appropriate averaging time

X = UIM in (µg/m^3 per lb/hr)

ER = emission rate (lb/hr)

Using Table 2a in section (h), the UIM for the tank is 375.9 (µg/m^3 per lb/hr) based on the 30 ft tank located 100 feet from the property line. Using Table 2f in section (h), the UIM for ship loading is 262.9 (µg/m^3 per lb/hr) based on the 40 ft release height and 1-hr averaging time. The 40 ft release height was selected since interpolation between 40 ft and 50 ft is not allowed and the lower height shall be used. A distance to the property line is not needed as all sources over water will use 25 meters as the nearest property line.

Using the UIMs and proposed emissions rates, the equation above becomes:

$$GLCmax = ((375.9\ (\mu g/m^3)/(lb/hr) * 0.1\ (lb/hr)) + (262.9(\mu g/m^3)/(lb/hr) * 1.5\ (lb/hr))$$

Solving the equation results in:

$$GLCmax = 37.59\ (\mu g/m^3)\ + 394.35\ (\mu g/m^3)\ = 432.94\ (\mu g/m^3)$$

The impact for constituent A is less than 10% of the ESL and meets the requirement in sections (e) and (h); therefore, the impacts for constituent A are acceptable.

VI. Public Notice and Comment Period

In accordance with 30 TAC § 116.603, Public Participation in Issuance of Standard Permits, the TCEQ published notice of the proposed standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas: Austin, Beaumont, Brownsville, Corpus Christi, and Houston. The date of these publications was December 18, 2020. The public comment period ran from December 18, 2020 until midnight on January 22, 2021. However, the TCEQ continued to accept comments received from the public shortly after the close of the comment period. Written and oral comments were received.

After the public comment period, TCEQ revised the draft standard permit. The final standard permit was considered by the commission for adoption. Upon adoption of the standard permit by the commission, the final standard permit and a response to all comments received is available on the TCEQ's website.

VII. Public Meeting

The commission held a public meeting on this proposal via telephone conference on January 21, 2021, and several comments were submitted.

VIII. Analysis of Comments

The commission received comments from April Armstrong, Dorothy Averbach, Dr. Latrice Babin (on behalf of Harris County Pollution Control Services [PCS]), Elke Baitis, Christopher Basaldu, Chad Bird, Jill Brodnax, Roger Brodnax, Pat Brown, L. C., Jase Carlile, Melony Chandler, Patt Coeckelenbergh, Yves Coeckelenbergh, Kay Culpepper, Lucia Dailey, Luke Dailey, Kimber De Salvo, Kimber De Salvo Anderson (on behalf of Turtle Island Restoration Network [TIRN]), Margaret Drdla, Miguel Escoto, A. F., Mani Fawad, James Feuerborn, Kristina Flakowitz, Wally Blue Wolf Constante Flores, Rebel Foster, Tim Friday (on behalf of Stolt-Nielsen Ltd. [Stolt]), Cathy Fulton, Sam Gammage (on behalf of Texas Chemical Council [TCC]), Lisa Garcia, P.E. (on behalf of Energy Transfer), Alyssa Garza, S. P. Gates, Jim Graffigna, Mark Grosse, Greta Gustafson, William Harding, Rose Hermes, Rebekah Hinojosa, Donna Hoffman, Gloria Joan Holt, Wendy Hughes, Nancy Hynes, Nikki Ikonomopoulos, Juanita Johnson, Shana Joyce (on behalf of Texas Oil and Gas Association [TXOGA]), Jennifer Keane (on behalf of Baker Botts, LLP for Texas Industry Project [TIP]), Hilton Kelley, Tammy King, James Klein, Jo Krueger, Uneeda Laitinen, Jesse Lovegren and Neal Nygaard (on behalf of DiSorbo Consulting LLC [DiSorbo]), Kathryn Masten, Elizabeth Mayorga, Gary McDonough, G. Mcevoy, Eli McKay, Neil McQueen, Jane Moore, Crystal Moran, John Morris, Stephen Murphy, Emily C. Nye, Julie Nye, Patrick A. Nye (on behalf of Ingleside on the Bay Coastal Watch Association [IOBCWA]), Dara Pena, Julie Plunkett, Elaine Robbins, Donna Robinson, Michael Ryan, Carole Salsberry, Love Sanchez, Dana Sasser, Robin Schneider (Texas Campaign for the Environment [TCE]), Lela Shelton, Ashara Slagger,

Michelle Smith, Chris Stimson, Sarah Jordan Stout, Tom Strubbe, Errol Summerlin (on behalf of Coastal Alliance to Protect our Environment [CAPE]), Stephanie Thomas, William Thompson, Chelsea Tobin, Debra Trumpy, Ryan Turner, Agnes Varnum, John Weber, Mary Wentheimer [TCE], Kaiba White, Paul Willhite, Mary Wimpfheimer, Mark Wysocki, Melissa Zamora, and Patricia Zavala.

COMMENT 1: Permit Support
Energy Transfer, Stolt, TCC, and TIP support the proposed MLO SP. Specifically, Energy Transfer, TCC, and TIP support the flexibility of an additional authorization mechanism for MLOs. Stolt appreciates the TCEQ's effort to streamline the NSR authorization process for MLOs in Texas through the development of an Air Quality Standard Permit for MLO. Energy Transfer and TIP explain that the MLO SP will help to facilitate continued and expanded exports of American energy products to other parts of the world.

RESPONSE 1: The commission appreciates the support.

COMMENT 2: Public Meeting
Several commenters (CAPE, Lucia Dailey, Cathy Fulton, Donna Hoffman Tammy King, James Klein, PCS and Paul Willhite) expressed concern with the public meeting time (taking place during a weekday), the meeting format (by teleconference call), and excluding the public from the permitting process.

RESPONSE 2: The TCEQ encourages participation in the development of the standard permit. The Office of the Chief Clerk works to help members of the public participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. In doing so, it has been standard practice for the agency to hold public hearings/meetings regarding proposed rulemaking and non-rulemaking projects, including proposed standard permits, during agency hours of operation. In addition, this meeting, held by teleconference, met the current requirements, which were in accordance with Governor Abbott's March 16, 2020, suspension of the Open Meetings Act requiring government officials and members of the public to be physically present at a specific meeting. To encourage public participation, for 30 minutes prior to the beginning of the hearing, agency staff is available for informal question and answer (Q&A). During the hearing, official testimony or public comment is received from members of the public. It is also noted during the hearing that comments may be submitted online or by mail to the Office of Legal Services.

COMMENT 3: Public Notice – Part 1
Several commenters (April Armstrong, Dorothy Averbach, Elke Baitis, Christopher Basaldu, Chad Bird, Jill Brodnax, Pat Brown, CAPE, Jase Carlile, Patt Coeckelenbergh, Yves Coeckelenbergh, Kay Culpepper, Lucia Dailey, Kimber De Salvo, Miguel Escoto, Mani Fawad, Blue Wolf Constante Flores, Cathy Fulton, Alyssa Garza, S.P. Gates, Jim Graffigna, Mark Grosse, Greta Gustafson, William Harding, Rebekah Hinojosa, Joan Holt, Wendy Hughes, Nancy Hynes, Nikki Ikonomopoulos, IOBCWA, Juanita Johnson, Hilton Kelley, Tammy King, Jo Krueger, Uneeda Laitinen, Kathryn Masten, Wally Mayorga, Gary McDonough, Eli McKay, Neil McQueen, Jane Moore, Crystal Moran, John Morris, Stephen Murphy, Julie Nye, PCS, Julie Plunkett, Elaine Robbins, Donna Robinson, Carole Salsberry, Love Sanchez, Dana Sasser, Robin Schneider [TCE],

Ashara Slagger, Michelle Smith, Sarah Jordan Stout, Tom Strubbe, TIRN, Stephanie Thomas, William Thompson, Debra Trumpy, Ryan Turner, Agnes Varnum, Mary Wentheimer [TCE], Gloria Kaiba White, Paul Willhite, Mark Wysocki, Melissa Zamora, and Patricia Zavala) expressed concern with an "inadequate" or "insufficient" public notice, the "absence of publication…in smaller communities", and the need for maintaining public participation in the permitting process and have, therefore, requested an extension to the public comment period and/or a second public meeting.

RESPONSE 3: In accordance with 30 TAC § 116.603, Public Participation in Issuance of Standard Permits, the TCEQ published notice of the proposed standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan or regional areas: Houston, Corpus Christi, Beaumont, Brownsville, and Austin on December 18, 2020. The public comment period ran from the date of newspaper publication until midnight on January 22, 2021. However, the TCEQ continued to accept comments received from the public after the close of the comment period.

In addition, notification was provided in a press release issued by TCEQ. Notification was also provided to state and local officials and posted on the TCEQ Air Permit Division's Standard Permits webpage and NSR Announcements webpage; and the Air Permits Division sent a GovDelivery Announcement to its New Source Review GovDelivery subscription group.

COMMENT 4: Public Notice – Part 2
The commenters (CAPE, G. Mcevoy, Robin Schneider [TCE], and Paul Willhite) stated that public involvement must be maintained, and public hearings and comment periods must be held for all proposed petroleum industry port additions or changes.

RESPONSE 4: In accordance with 30 TAC § 116.603, the TCEQ is required to publish notice of a proposed standard permit. and has met these requirements for this proposed standard permit. By meeting these notice requirements, a subsequent registration for this standard permit does not need to go to public notice.

COMMENT 5: Public Notice – Part 3
The commenter (Donna Hoffman) requested that the materials associated with the first notice be made publicly accessible by translating all documents into Spanish. The commenter stated that over 60 percent of the people who live in Corpus Christi are Hispanic, and a large percentage of those people probably speak Spanish only, and do not have an opportunity to know about the notice for the standard permit.

RESPONSE 5: Notice was published in accordance with 30 TAC § 116.603, Public Participation in Issuance of Standard Permits. Specifically, notice was published in newspapers of general circulation in each of the following metropolitan and regional areas affected by the proposed activity: Houston, Corpus Christi, Beaumont, Brownsville, and Austin. Additionally, notice was published in the *Texas Register*, and a press release was issued. Electronic notification was also provided to state and local officials. Bilingual notice was not required per state statute or rule.

COMMENT 6: Mailing List
The commenter (G. Mcevoy) requested not to be added to any mailing lists.

RESPONSE 6: The commission is required by 30 TAC § 116.603(d) to mail the response to each commenter. Commenters will not be added to any additional mailing lists unrelated to the public comment period for this standard permit.

COMMENT 7: Rulemaking Process
DiSorbo questioned whether TCEQ has conducted a Taking Impacts analysis to determine whether Gov't Code Chap. 2007 requirements apply to this action.

RESPONSE 7: Because the proposed MLO SP is a non-rule standard permit, a Takings Impacts Analysis is not required.

COMMENT 8: Application Workbook
DiSorbo stated that they understood TCEQ will be specify as a condition for claiming the standard permit that applicants fill out a workbook, which may specify criteria that are more stringent than the requirements given in the draft permit. Since the workbook effectively governs applicability, it should be subject to the same public notice requirements as the standard permit itself. TCEQ should place a copy of the workbook in the docket and extend the public comment period.

RESONSE 8: To register for the standard permit, an applicant must provide a complete application to the TCEQ for review and approval. Consistent with the Air Permit Division's recent efforts to streamline the application process, TCEQ is also developing a guidance tool to assist in the submittal and review of registrations for the MLO SP. The workbook will assist applicants in obtaining authorization in a complete, concise, and easy to review format that will reduce the workload on both commission staff and applicants. Application materials are not subject to public notice requirements. Once the application materials are available, the Air Permits Division will make those available on the TCEQ website.

COMMENT 9: Applicability - Use of Permit by Rule (PBR)
DiSorbo, Energy Transfer, TIP, and TXOGA requested that the proposed standard permit address uses of 30 TAC § 106.261 and § 106.262. Specifically, the commenters expressed concern that the proposed standard permit has significant repercussions on the ability of industry to claim authorization under 30 TAC § 106.261 and § 106.262, since § 106.261(b)(1) and § 106.262(b)(1) do not allow the use of these PBRs when a standard permit is in effect for this facility type. The commenters expressed concern that sites unable to meet the proposed standard permit would result in an increase in case-by-case permits and an adverse impact to the regulated community.

TXOGA stated that sites that currently qualify for authorization under PBR may not be able to meet the restrictive conditions and exceed the impacts analysis required due to the limited scope of the unit impact multipliers and variables included in the tables.

TIP requested allowing authorization under PBR § 106.261 and PBR § 106.262 by adding: *"(a) Applicability (6) This standard permit does not prevent the use of Permit by Rule 30 TAC Section 106.261 or Permit by Rule 30 TAC Section 106.262 to authorize stationary facilities, groups of facilities, or changes to facilities at a site that conducts MLO activities for marine loading operations."*

DiSorbo stated the standard permit severely restricts authorization mechanisms for all MLO facilities. 30 TAC § 106.261(b)(1) and § 106.262(b)(1) do not authorize the

construction of a type of facility for which a standard permit is in effect. Thus, the "greater operational flexibility than PBR authorizations" advertised in the background summary is misleading and factually incorrect. After the SP is issued, no MLO facility, regardless of size or throughput, may be constructed under PBR. Since the standard permit has more burdensome control and monitoring requirements than most case-by-case permits, and a significantly narrower compliance margin, many operators would be ill-advised to claim it.

DiSorbo also stated that development of the MLO SP should be delayed until TCEQ completes rulemaking for a PBR covering the same type of facility. Alternately, TCEQ should consider amending 30 TAC § 106.261(b) and § 106.262(b) to avoid removing authorization options when it issues a standard permit for facilities not already covered by a specific PBR. DiSorbo stated that TCEQ omitted any analysis or direct mention of the issue in its background document and that it would be desirable if significant, material impacts on the regulated community were more clearly disclosed in materials offered for public inspection during consideration of a standard permit.

RESPONSE 9: Prior to the development of this standard permit, the only available permitting mechanisms for air emissions from MLOs were through a combination of PBR authorizations under 30 TAC Chapter 106, Subchapters G, K, U, and V or a case-by-case NSR permit as a 30 TAC § 116.111 authorization. This standard permit provides a preconstruction authorization mechanism that may be used by any MLO complying with its requirements provided the MLO is not prohibited by other local, state, or federal permitting statutes or regulations. The creation of this standard permit will still provide a streamlined authorization that is protective of human health and the environment and capture sites that may not have met PBRs and had to use case-by-case NSR permits. The development of the MLO SP involved researching existing MLOs authorized by PBR and case-by-case NSR permits. Based on the existing authorizations reviewed, PBRs under 30 TAC § 106.261 and § 106.262 traditionally authorized physical or operational changes to facilities and/or new facilities at existing MLOs authorized by case-by-case NSR permits. Section 116.116(d)(1) allows for the use of PBRs under 30 TAC Chapter 106 in lieu of an amendment or alteration and this standard permit does not remove that capability. If an MLO SP is authorized at a site that is currently operating under PBRs, all existing sources previously authorized under a PBR or other permitting mechanisms associated with the MLO will need to be incorporated into the standard permit authorization at the time of registration. In addition, a site that is currently authorized under an MLO SP cannot use PBRs to authorize new MLO facilities or modify existing MLO facilities. As such, the commission disagrees that this standard permit will result in more sites needing to obtain an NSR permit or change the historic use of MLOs currently authorized under 30 TAC Chapter 106 PBRs.

COMMENT 10: Applicability - General – Part 1
PCS requested clarification on which facilities qualify for a standard permit and case-by-case NSR Permit. PCS expressed concern with the following statement included in Section II of the standard permit Background Summary: "*The creation of this standard permit would allow MLO facilities to have greater operational flexibility than PBR authorizations and would provide a streamlined authorization process allowing authorizations to be issued more efficiently than case-by-case NSR permits*." PCS explained this does not go into detail regarding which facilities qualify for the standard

permit and at what thresholds would require a facility to obtain a case-by-case NSR permit.

RESPONSE 10: Any group of facilities that meets the standard permit conditions may apply for the MLO SP. While this standard permit authorizes operation of a MLO, it is not intended to authorize all possible unit configurations or unusual operating scenarios. Those facilities that cannot meet the standard permit may apply for a permit under another authorization mechanism. Section (a) outlines the applicability of registrations under this standard permit. This section covers new or modified facilities (i.e., units or equipment) and groups of facilities (fugitive components and piping) located at greenfield MLOs or existing, modified facilities that operate independently of other equipment on the site authorized through other permitting mechanisms. The commission has not changed the standard permit in response to this comment.

COMMENT 11: Applicability - General – Part 2
PCS expressed concern with the following statement included in Section IV of the standard permit Background Summary: "*Existing sources previously authorized under a PBR or other permitting mechanisms associated with the MLO shall be incorporated into the standard permit authorization at the time of registration and must meet all applicable requirements within this standard permit*." PCS stated that there is no clear timeline for existing sources to register for the new standard permit.

RESPONSE 11: It is not a requirement for existing sources to register for the standard permit if they are already authorized through another mechanism. Once an applicant chooses to register for the standard permit, the existing sources previously authorized under a PBR or other permitting mechanism will need to be included in the registration and voided once the registration is issued. The commission has not changed the standard permit in response to this comment.

COMMENT 12: Applicability - Independent Operation
PCS and DiSorbo commented on independent operation referenced in condition (a)(1). PCS stated that there is no mechanism provided for demonstrating compliance with condition (a)(1), which in part states: "*If future projects at the site result in a source no longer operating independently, the source shall no longer be authorized by this standard permit*."

DiSorbo suggested that TCEQ remove the requirement of independent operation, or explain more clearly why it is consistent with its rules. DiSorbo stated the concept of "independent operation" is highly subjective and not defined in TCEQ's rules. Conditioning nullification of an authorization on such ill-defined factual circumstances does not appear to cohere with TCEQ's other policy objectives; holders of the proposed standard permit would be in jeopardy of a TCEQ claim that a Category A4 violation occurred (a risk that they do not run under other forms of air permit authorization). The explanation TCEQ gives for the requirement (ensuring that the impacts analysis remains valid) appears to indicate TCEQ's preference to go beyond the strictures of 30 TAC § 116.605(d)(3) (limiting the circumstances when a standard permit may be revoked).

RESPONSE 12: The commission considers that combinations of facilities and equipment, which are constructed and operated together to handle materials to be related, require a single authorization. A registration under this standard permit will establish fixed boundaries to ensure no interdependency is created as

modifications occur at the site, thus giving certainty to compliance demonstrations. The facilities included in the scope of authorization become fixed at the time this standard permit is registered, and no individual facility may be authorized under more than one authorization mechanism. The protectiveness review for the MLO SP is intended to capture all emissions associated with the authorized activities for facilities included in the registration. If an MLO is dependent upon sources that are authorized through another mechanism, the MLO SP would not be able to be used.

Standard permit authorization for groups of facilities have been used since 1996 and their use is authorized in THSC § 382.051. Many other industry segments (concrete batch plants, rock crushers, material handling, asphalt concrete plants, surface coating, aerospace manufacturing, etc.) have also been included in plant-wide or groups of dependent facilities under PBRs or standard permits. The commission has determined that combinations of facilities and equipment, which are constructed and operated together to handle materials require a single authorization. Specifically, THSC § 382.0511(a), Permit Consolidation and Amendment, states, "The commission may consolidate into a single permit any permits, special permits, standard permits, permits by rule, or exemptions for a facility or federal source." Finally, the commission points out that permitted sites may continue to use any specific authorization for which it is eligible and that any facility not in the scope of this standard permit but co-located at a site may use any other available mechanism. The commission has not changed the standard permit in response to this comment.

COMMENT 13: Cumulative Effects
IOBCWA questioned the cumulative effects of operations at the "site," including, tanks, pumps, shipping vessels exhaust, VOC combustion units, trucks and auto emissions.

RESPONSE 13: Facilities/activities that are typical for marine loading sites were identified and included in the modeling analysis conducted for the protectiveness review. An applicant will use the modeling results from this analysis to evaluate all of the proposed emissions associated with its particular site.

COMMENT 14: Air Monitors
IOBCWA questioned whether condition (a)(1) should include the mandatory requirement for air monitors for each project.

RESPONSE 14: Establishing an air monitoring network for each project site is not required. As part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected. The commission has not changed the standard permit in response to this comment.

COMMENT 15: Effects Screening Level (ESL)
TCC suggested that TCEQ allow the use generic ESLs for families of chemicals where available or provide an option for the applicants to request ESLs from Toxicology for chemicals not listed in the Toxicity Factor Database. Subsection (a)(3) limits the standard permit applicability to MLOs with chemicals established and listed in the Toxicity Factor Database. MLOs handling mixtures that may contain low concentrations of a chemical not having established an ESL listed in the Toxicity Factor Database would

be precluded from using the proposed non-rule standard permit. In the background summary, Section IV, TCEQ provided an option for gasoline additives that do not have an established ESL to use the generic ESL.

RESPONSE 15: The MLO SP will utilize the most recent ESL list. To allow for additional case specific ESLs would be outside the scope of the standard permit mechanism. The commission has not changed the standard permit in response to this comment.

COMMENT 16: Applicability - Excluded Oil and Gas Codes
TCC and DiSorbo commented on excluded Standard Industrial Classification (SIC) codes.

TCC requested clarification on why the SIC codes listed in condition (a)(5) were excluded when MLOs may occur at Oil and Gas sites which are characterized by the listed codes.

DiSorbo commented that (a)(5) appears to exclude crude oil export facilities (generally classified under SIC code 4612), which are perhaps the most significant category of greenfield MLO facilities that will be constructed in the near future.

RESPONSE 16: The TCEQ did not develop this standard permit within the guidelines established by THSC § 382.051961 for the specific SIC codes referenced in that section. The language in THSC § 382.051961 specifically excludes the TCEQ from adopting a new standard permit applicable to the listed SIC codes unless: a regulatory analysis is performed in compliance with Gov't Code § 2001.0225; the permit uses air monitoring data that determine emission-related requirements are necessary; the permit establishes emission limits or emission-related requirements based on air monitoring data and air quality modeling that is based on actual scenarios; and the permit considers if requirements should be applicable to specific geographical regions of the state. PBR authorization remains an option for MLOs operating under those SIC codes because they are specifically excluded from the standard permit. The commission has not changed the standard permit in response to this comment.

COMMENT 17: Authorized Facilities and Activities – Part 1
Stolt requested that condition (c)(1)(F)(iv) be revised to include "*initial filling for a new tank, and filling a clean and empty tank*" to make a clear distinction from "refilling" cited in the proposed standard permit.

Stolt also requested that condition (c)(1)(F)(iv) be revised to add "*post control ventilation*" for clarity, as "degassing" can imply controls are applied. Ventilation implies no controls and is performed prior to performing tank entry.

RESPONSE 17: The commission agrees the language to distinguish initial filing and refiling can be clarified, and the standard permit has been revised to correct the sentence.

For the comment regarding "post control ventilation", the commission respectfully disagrees. Post control degassing is an activity that is authorized by the standard permit. The commission has not changed the standard permit in response to this comment.

COMMENT 18: Authorized Facilities and Activities – Part 2
Stolt requested that condition (c)(1)(F)(vi) be revised to include "*pipeline clearing*" for clarification, as "pigging and purging" are distinct operations that have different meanings than simply clearing a pipeline.

RESPONSE 18: The commission agrees the language can be clarified, and the standard permit has been revised to correct the sentence.

COMMENT 19: Authorized Facilities and Activities – Part 3
Stolt stated condition (c)(2) is an unnecessary restriction placed on proactive facility operators that own equipment that is used only temporarily during MSS operations, such as company owned vacuum trucks and portable emission control devices. Stolt requested that equipment used in MSS operations that is owned by the MLO SP holder may remain on-site for more than 12 consecutive months.

RESPONSE 19: Equipment left on property for more than 12 consecutive months is considered stationary and therefore, part of the normal operations. The commission has not changed the standard permit in response to this comment.

COMMENT 20: Administrative Requirements – Part 1
IOBCWA asked if condition (d)(1) and (d)(3) should also include public comment and the involvement of other government agencies in the approval process for notice to proceed.

RESPONSE 20: In accordance with 30 TAC § 116.603, the TCEQ is required to publish notice of a proposed standard permit. The TCEQ published notice of this proposed standard permit in the *Texas Register* and newspapers of the largest general circulation in Houston, Corpus Christi, Beaumont, Brownsville, and Austin. An individual registration for this standard permit does not need to go to public notice. Additionally, when publishing notice in accordance with 30 TAC § 116.603, TCEQ accepts comments from any interested party, including other governmental agencies. The commission has not changed the standard permit in response to this comment.

COMMENT 21: Administrative Requirements – Part 2
Energy Transfer requested clarification of condition (d)(3)(A) and whether the statement "the addition of a new facility" includes replacement of like-kind facilities. Energy Transfer stated that if the replacement of a control device (like a vapor combustion unit) needs to be authorized under the non-rule Air Quality Standard Permit for Pollution Control Projects (PCP), it would appear to be in conflict with the requirement specified in paragraph (a)(1) as the control device could not operate independently.

RESPONSE 21: Replacement of control equipment without a change in emissions may be authorized as a modification to the MLO SP registration using 30 TAC § 116.615(2)(b) without requiring the use of the PCP Standard Permit. The PCP Standard Permit allows for the PCP to authorize replacement control equipment for existing, permitted facilities and requires a plan to incorporate the changes into the existing authorization that is being modified. This mechanism will not create an issue with MLO requirements because the PCP Standard Permit is modifying the MLO SP and will be incorporated. The commission has not changed the standard permit in response to this comment.

COMMENT 22: Emission Limitations and Impacts Evaluations – Part 1
TIP, TXOGA, and Energy Transfer requested that TCEQ allow use of a screening tool, such as SCREEN3 for the impacts evaluation. The commenters suggested bringing the process in line with that allowed by the Oil and Gas Standard Permit. TXOGA and Energy Transfer stated that limiting the option to demonstrate a project's protectiveness to just Table 1, which requires the use of unit impacts multipliers from Tables 2a through 5f as applicable, is exceedingly conservative and does not accurately predict realistic impacts from typical marine loading operations.

RESPONSE 22: Allowing the use of additional screening models (e.g., SCREEN3) or refined modeling analyses are not suited for the timelines required for the review of a standard permit application as they are typically very complicated and lengthy reviews. Though the modeling conducted for the standard permit was done with a refined model (AERMOD), the approach for determining total predictions is based on a conservative approach (i.e., adding each applicable source's impact independent of time and space). This same type of conservative approach would be followed when using a screening model like SCREEN3 since SCREEN3 only models one source at a time. Obtaining impacts from a screening model are not likely to yield lower predictions relative to a refined model nor provide more realistic impacts from typical marine loading operations. Also, the methods for dispersion and calculation of model predictions in AERMOD are based on fundamentally different approaches than SCREEN3. If additional screening modeling were to be allowed, we would want to maintain consistency among model platforms. The screening model for AERMOD is AERSCREEN, but the same timeline questions on the review and conservative modeling approaches would still be present. The impacts evaluation for the MLO SP is on a contaminant by contaminant basis and due to the varying configurations of these kinds of facilities, the impacts evaluation must be based on the parameters of the individual operation and the distances involved. Development of contaminant by contaminant emission limits within the permit would not allow for an accurate protectiveness evaluation for all situations. The commission has not changed the standard permit in response to this comment.

COMMENT 23: Emission Limitations and Impacts Evaluations – Part 2
In addition to Energy Transfer's request that TCEQ allow the use of a screening tool such as SCREEN3, they provided several recommendations for Impacts Evaluation:

1. Energy Transfer believes 3-hr, 8-hr, and 24-hr averaging periods specified in Tables 2b through 2d, 3b through 3d, and 4b are not applicable to non-combustion sources, therefore, Energy Transfer requests for their removal to eliminate confusion.
2. Assumptions used to generate unit impact multipliers should be re-evaluated to confirm that they are appropriate, and/or other modeling options should be provided. In Energy Transfer's experience, the unit impact multipliers in this draft permit are unrealistically conservative compared to our facilities. Energy Transfer would be willing to discuss these examples in more detail with TCEQ, if this would be helpful. Some examples of the concerns with the basis used to generate the unit impact multipliers are as follows:
    a. VCU Temperatures are normally at least 1,400 degrees F (which is required by the NRSP), whereas the modeling was performed using 1,200 degrees F. Also, there is no option for VCUs greater than 60 ft tall (which is typically the minimum height from the vendor).
    b. O&G NRSP used conversion factors for different averaging periods instead of multiple tables for averaging periods.

c. It appears that barge and ship vents, as listed in this proposed authorization, would represent fugitive emissions from uncaptured barge and ship loading operations. Ships and barges can vary greatly in sizes/dimensions and therefore the uncaptured emission source size would also vary greatly from ship to ship and barge to barge. Limiting the horizontal sigma for defining this volume source to a single value of 0.233 ft. is inappropriate for this type of source.
d. Volume type sources were used for tanks, loading, and fugitives whereas area source types were used in the O&G NRSP.

RESPONSE 23: TCEQ's response for each recommendation on the impacts evaluation is as follows:

- **Recommendation No. 1: Generic modeling results for all averaging periods are provided in these tables since some constituents have thresholds for averaging periods other than 1-hr and annual.**
- **Recommendation Nos. 2a, c, and d: When developing model source parameters for the protectiveness review, the determination of the modeled source parameters was based on a review of previously submitted permit applications for marine terminal projects and selecting source parameters to minimize plume rise in order to estimate conservative impacts. The goal of this source parameter development is to identify reasonable worst-case parameters to ensure protection of human health and welfare. The unique source configurations and properties cannot be captured from specific marine loading sites in an analysis like this. Instead, multiple setback distances and sources modeled at different release heights are provided for the protectiveness review.**
- **Recommendation No. 2b: Factors for other averaging periods were not necessary since the generic modeling performed for the standard permit explicitly included the other averaging periods.**

The commission has not changed the standard permit in response to this comment.

COMMENT 24: Emission Limitations and Impacts Evaluations – Part 3
Energy Transfer also requested that the phrase "de minimis level" be deleted from conditions (e)(2)(A)(i) and (e)(2)(B)(i). Energy Transfer stated that requiring impacts from a new site, or all sources at an existing site, to be less than the de minimis level of the applicable NAAQS is overly restrictive and inconsistent with authorization mechanisms that the TCEQ has adopted to date. Energy Transfer stated that, as an example, a 60-ft tall VCU that emits 4 lb/hr NO_x located in Region 12 would have an impact of 7.52 (4 x 1.88) regardless of its distance from the property boundary when using the 1-hr impact multiplier from Table 3a. This impact is above the de minimis level of 7.5 for NO_2. This emission rate, however, would be acceptable under PBR § 106.261. In addition, 4 lb/hr NO_x doesn't require any impacts review under the Oil and Gas Non-Rule Standard Permit.

RESPONSE 24: The de minimis levels are screening tools that are used in the evaluation of the project emissions. If the predicted concentrations from the proposed project are less than the applicable de minimis levels, then the proposed project has demonstrated that it would not cause or contribute to a violation of the NAAQS. Predictions associated with project emissions greater

than the SILs would require a full NAAQS analysis which would include the evaluation of site-wide sources, nearby sources, and background concentrations. This type of analysis is not suited for the timelines required for the review and approval of this standard permit. The commission has not changed the standard permit in response to this comment.

COMMENT 25: Emission Limitations and Impacts Evaluations – Part 4
IOBCWA questioned how conditions (e)(2)(A)(i) – (iii) are regulated; if TCEQ monitoring is required; what penalties are assigned for non-compliance; and if TCEQ recognize adjoining property air quality measurements as part of this provision.

RESPONSE 25: Establishing an air monitoring network for each project site is not required. As part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected.

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a location's and a person's compliance history. Compliance history ratings are considered during permit application reviews.

The commission has not changed the standard permit in response to this comment.

COMMENT 26: Emission Limitations and Impacts Evaluations – Part 5
DiSorbo suggested that TCEQ consider the impact that the proposed modeling requirements in condition (e)(2)(B) and condition (h) will have on achievement of its goal of simplifying permitting and making streamlined authorizations available for a larger number of sources. DiSorbo stated that the requirements of condition (e)(2)(b) and condition (h) effectively limit the use of this authorization to a very limited number of sources. The condition (h) tables imply a rather crude modeling procedure that is overly conservative. When coupled with the stringent evaluation thresholds in condition (e)(1) and (2), they will significantly limit the number of source owners desiring to use the standard permit. In recent years, TCEQ has expended significant staff resources in developing standard permits, readily available permits, and permits by rule that are used by very few sources because the impacts evaluation procedures are simplistic and overly stringent. A notable exception is the Oil and Gas Standard permit, which permits applicants to conduct refined dispersion modeling following a protocol generally consistent with Appendix W.

RESPONSE 26: When developing model source parameters for the protectiveness review, the determination of the modeled source parameters was based on a review of previously submitted permit applications for marine terminal projects and selecting source parameters to minimize plume rise in order to estimate conservative impacts. The goal of this source parameter development is to

identify reasonable worst-case parameters to ensure protection of human health and welfare. The unique source configurations and properties cannot be captured from specific marine loading sites in an analysis like this. Instead, multiple setback distances and sources modeled at different release heights are provided for the protectiveness review. With regards to conducting refined modeling, allowing the use of additional refined modeling analyses are not suited for the timelines required for the review of a standard permit application as they are typically very complicated and lengthy reviews. The commission has not changed the standard permit in response to this comment.

COMMENT 27: Emission Limitations and Impacts Evaluations – Part 6
TCC requested that TCEQ allow impacts to be evaluated against the full NAAQS and ESLs, similar to the Oil and Gas Standard Permit. Conditions (e)(2)(B)(i) & (iii) discuss the requirements for the impact evaluations at existing sites. The modeling must result in a maximum predicted concentration less than the Significant Impact Level (SIL) and 10% of the ESL. These requirements seem to be overly restrictive and should not apply to an existing site that has a current permit with successful modeling. Additionally, in the case of the toxics modeling, this will limit MLOs from authorizing multiple products for loading under the standard permit and will likely result in additional 30 TAC § 106.261 and § 106.262 claims to authorize the products.

RESPONSE 27: For existing sites, the impacts evaluation process begins with the project emissions. For criteria pollutants, if the predicted concentrations from the proposed project are less than the applicable de minimis levels, then the proposed project has demonstrated that it would not cause or contribute to a violation of the NAAQS. For health effects pollutants, if the predicted concentrations from the proposed project are less than 10 % of the ESL, the demonstration is complete (consistent with Step 3 of the Modeling and Effects Review Applicability guidance). Predictions associated with project emissions greater than the SILs would require a full NAAQS analysis which would include the evaluation of site-wide sources, nearby sources, and background concentrations. Predictions greater than 10 percent of the ESLs would require a site-wide evaluation. These types of analyses are not suited for the timelines required for the review and approval of this standard permit. Furthermore, details on facilities at existing sites are not readily known (without doing extensive review of the site) and how the emissions from those existing activities would combine with the emissions of the proposed facilities. An evaluation would need to be conducted in that case (likely refined modeling) that also includes consideration of background concentrations for comparison with the NAAQS. The commission has not changed the standard permit in response to this comment.

COMMENT 28: Emission Limitations and Impacts Evaluations – Part 7
IOBCWA requested that TCEQ add to conditions (e)(2)(B)(i) – (iii) that regular monitoring no less than 10 consecutive days quarterly must be less than the maximum predicted. Monitoring must take place in multiple areas for a complete analysis.

IOBCWA also stated that conditions (e)(3) and (e)(4)(D) do not take into account the air flow directions during monitoring. IOBCWA stated nearby communities and workplace monitoring should also be prioritized, and the results should be published by TCEQ. IOBCWA stated monitoring be downwind of the emission first, then the nearest logical property line.

RESPONSE 28: Establishing an air monitoring network for each project site is not required. As part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected. The commission has not changed the standard permit in response to this comment.

COMMENT 29: Emission Limitations and Impacts Evaluations – Part 8
TCC stated that condition (e)(4)(E) appears to limit the impacts evaluation to the use of the tables in the standard permit and does not appear to allow for SCREEN3 or refined modeling. The modeled concentrations in the tables are very conservative and would limit the number of sites which could successfully use the MLO SP. TCC requested revisions to allow for these other options, similar to the Oil and Gas Standard Permit.

RESPONSE 29: Allowing the use of additional screening models (e.g., SCREEN3) or refined modeling analyses are not suited for the timelines required for the review of a standard permit application as they are typically very complicated and lengthy reviews. Though the modeling conducted for the standard permit was done with a refined model (AERMOD), the approach for determining total predictions is based on a conservative approach (i.e., adding each applicable source's impact independent of time and space). This same type of conservative approach would be followed when using a screening model like SCREEN3 since SCREEN3 only models one source at a time. Obtaining impacts from a screening model are not likely to yield lower predictions relative to a refined model. The commission has not changed the standard permit in response to this comment.

COMMENT 30: Emission Limitations and Impacts Evaluations – Part 9
IOBCWA suggested that (e)(5) should read "*If combining emissions calculations plus measurements from multiple sources* …" instead of how it is currently written in the proposed standard permit as "*If combining emission rates from multiple sources* …"

RESPONSE 30: The wording included in the standard permit is appropriate. The standard permit is based on worst-case emission calculations, not from measurements. The commission has not changed the standard permit in response to this comment.

COMMENT 31: General Requirements – Part 1
IOBCWA suggested that for condition (f)(1), emission estimates should be calibrated with actual measurements within the first six months of operations for a minimum of 10 consecutive days.

RESPONSE 31: Estimates are required at the time of application submittal, when actual measurements are not available. Calibration requirements are often monitor-specific and occur routinely throughout the operation of the monitoring equipment. The manufacturers of the monitoring equipment often state that initial calibration should occur to ensure that the monitor is operating properly. The commission has not changed the standard permit in response to this comment.

COMMENT 32: General Requirements and Operational Requirements - Compliance
IOBCWA expressed concern about conditions (f)(5)(A) and (E) and questioned how compliance can be determined by simply having documentation.

IOBCWA also expressed concern about condition (f)(6)(A) and asked how can the TCEQ hold any company liable for emissions; and what if additional emission controls don't solve the issues.

IOBCWA also expressed concern about conditions (f)(5)(D) and (g)(1)(A) – (C) and questioned the requirements for operators that continue to have emission problems. IOBCWA asked whether these minimum, least stringent requirements will be applicable to those operators, and shouldn't there be increased requirement for those operators that continue to violate emission guidelines.

RESPONSE 32: Monitoring requirements are located in the special conditions of the permit. Emissions will be monitored by emissions calculations, sampling, and recordkeeping requirements. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform regular investigations of the plant. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

The results of the initial performance test and any investigation reports are publicly available through TCEQ's Open Records Request site at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html. The public may also visit the TCEQ Regional Office for their county to review the test results and investigation reports. The Region Directory can be located at https://www.tceq.texas.gov/agency/directory/region/reglist.html.

Additionally, the TCEQ evaluates all complaints received. If an operation is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Regional Office for their county or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

If the operation is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law, and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at https://www.tceq.texas.gov (under Publications, search for Publication Number 278).

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a location's and a person's compliance history. Compliance history ratings are considered during permit application reviews.

The commission has not changed the standard permit in response to this comment.

COMMENT 33: Operational Requirements – Part 1
DiSorbo stated that condition (g)(1) is overly broad, introduces broad and unbounded recordkeeping requirements, and introduces enforcement uncertainty. The requirement exceeds 30 TAC §116.615(9), and also exceeds the "general duty" requirements of most case-by-case NSR permits for large facilities.

RESPONSE 33: There are many records required to be kept to demonstrate compliance with the standard permit. The recordkeeping is required by 30 TAC § 116.615, but to ensure practical enforceability the commission has stated what records need to be kept for demonstrating compliance under the standard permit. However, in any instance in which records are being kept for other purposes, but show the same information, this will be acceptable to the commission. This will require no additional paperwork, man-hours, or time to demonstrate compliance. The commission has not changed the standard permit in response to this comment.

COMMENT 34: Operational Requirements – Part 2
IOBCWA stated that condition (g)(2) does not take into account combustible products that have a blast radius. He questioned harmful NO_x, SO_x, ozone, benzene, and PM discharges from properties adjacent to residential property owners; the vessels that transfer products and their emissions; the safety notification requirements to communities downwind of pollutants release; and how communities' health and welfare are honored with these proposed limitations.

RESPONSE 34: The dockside emissions from stationary sources associated with the loading and unloading of material are included in the MLO SP authorization. This permit does not authorize emissions from emergencies or upsets that may occur at the MLO facility. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions. Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects upon off-facility property in the event of a disaster, and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the

application. Special condition (f)(4) of the standard permit requires that the site maintain a Risk Management Plan if facilities handle a listed substance exceeding the applicable threshold.

The TCEQ takes your health and environmental concerns seriously. If you have been adversely impacted by emissions from the site, you may file a complaint with the Regional Office for your county or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186. The commission has not changed the standard permit in response to this comment.

COMMENT 35: Operational Requirements – Part 3
Energy Transfer requested that the phrase "state waters" be defined in condition (g)(2). Energy Transfer suggested that the conversion of 25 meters to feet be added to minimize confusion since both 25 feet and 25 meters are used in the same paragraph.

RESPONSE 35: The State of Texas has jurisdiction extended to 3 marine leagues (9 nautical miles) seaward.

The modeling was conducted using receptor grids that started at various setback distances from the modeled sources. For sources located on land (all sources except for barge and ship sources), the starting setback distances are 25 feet, 50 feet, 100 feet, 200 feet, 300 feet, 400 feet, 500 feet, 750 feet, and 1000 feet. For sources located over water (barge and ship sources), the starting setback distance is 25 meters. A distance of 25 meters is used as a starting point to represent an area that is reasonably expected to be controlled when barge/ship loading activities are occurring.

The commission has not changed the standard permit in response to this comment.

COMMENT 36: Operational Requirements – Part 4
PCS stated that the distance requirement of 25 feet referenced in condition (g)(2) does not seem to be protective of human health, especially for communities that are adjacent to these types of facilities.

RESPONSE 36: As part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected. The commission has not changed the standard permit in response to this comment.

COMMENT 37: Operational Requirements – Part 5
Energy Transfer requested that the continuous H_2S monitoring requirement only applies if fuel gas contains more than 1.5 grains of H_2S per 100 dry standard cubic feet of gas. Energy Transfer stated the term "refinery fuel gas system" is confusing since marine loading operations do not always occur at refineries, and that it would be burdensome and unnecessary if the TCEQ intends to require fuel gas systems to be equipped with continuous hydrogen sulfide (H_2S) monitoring at all sites authorized under this standard permit, especially if the fuel purchased is pipeline quality natural gas.

RESPONSE 37: If the unit is considered a fuel gas combustion device, it must comply with the condition. This condition only applies to fuel gas combustion

devices as defined by the regulation. Pipeline quality natural gas is not considered fuel gas. The commission agrees with the removal of "refinery", and the standard permit has been revised.

COMMENT 38: Operational Requirements – Part 6
DiSorbo stated that condition (g)(4) brings refinery fuel gas headers within the scope of the authorization and imposes monitoring requirements that otherwise apply only to "affected facility" fuel gas combustion devices under NSPS J and Ja. The condition should only apply to NSPS affected facilities. Associated commentary indicates that TCEQ Intends to use the definition of "fuel gas" given under NSPS J, even though the term "fuel gas" is not so defined for purposes of BACT reviews in case-by-case permitting.

RESPONSE 38: Fuel gas monitoring is required to demonstrate compliance with standard permit representations made for a site that chooses to utilize fuel gas combustion devices. This monitoring requirement does not affect NSPS applicability. The commission has not changed the standard permit in response to this comment.

COMMENT 39: Initial Determination of Compliance – Part 1
IOBCWA expressed concern about condition (g)(6)(A) and stated that requirements for the VCU should at LEAST be applied to day-to-day emissions monitoring.

RESPONSE 39: Condition (g)(6) is related to initial determination of compliance, which dictates testing that must be conducted after initial startup. This testing is used to verify emissions estimates provided in the application were and will continue to be accurate. Additional operational and recordkeeping requirements for the VCU, are found in condition (g)(18). The commission has not changed the standard permit in response to this comment.

COMMENT 40: Initial Determination of Compliance – Part 2
TCC stated that while condition (g)(6)(D) requires stack testing to be conducted at the maximum operating rate represented in the registration, the combustion device may not be able to achieve the worst-case rate. TCC requested that this language be updated to allow for a range of acceptable loading rates for testing. TCC provided example language from a recent NSR Permit for a VCU:

> "*The facility being sampled shall operate at no less than 75 percent of maximum [product] loading rates for at least one hour of the test period. These conditions/parameters and any other primary operating parameters that affect the emission rate shall be monitored and recorded during the stack test. Any additional parameters shall be determined at the pretest meeting and shall be stated in the sampling report. Permit conditions and parameter limits may be waived during stack testing performed under this condition if the proposed condition/parameter range is identified in the test notice specified in paragraph A and accepted by the TCEQ Regional Office. Permit allowable emissions and emission control requirements are not waived and still apply during stack testing periods*.".

RESPONSE 40: The emissions testing in this condition indicates that the control devices should meet the level of control required for approval of the permit and registration representations. Representing a worst-case scenario for emissions estimates is required for the application. The testing must be done at the

maximum operating rate as that matches the representations in the application. The maximum tested rate becomes a limitation that, if exceeded, necessitates additional stack sampling. Therefore, including a minimum rate of 75% could hinder future operations, if the loading rate that was achieved during the test is exceeded. The commission has not changed the standard permit in response to this comment.

COMMENT 41: Loading Operations – Part 1
PCS stated that all facilities under this standard permit are subject to the same requirements, but the representations can vary between each facility. PCS stated the representations submitted by each applicant should be made readily available to the public.

RESPONSE 41: The results of the initial performance test and any investigation reports are publicly available through TCEQ's Open Records Request site at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html. The public may also visit the TCEQ Regional Office serving their county to review the test results and investigation reports.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 42: Loading Operations – Part 2
IOBCWA stated that records referenced in condition (g)(8)(A) should be kept for a minimum of five years with at least 36 month rolling facility records. Additionally, IOBCWA asked for clarification on the specific monitoring and operational requirements mentioned in the Loading Operations section of the MLO SP Background Summary.

RESPONSE 42: The 12-month rolling records is standard language in permits. Per 30 TAC § 116.615(8), information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. If the standard permit facilities are subject to Title V permitting, then five-year recordkeeping would apply.

The specific monitoring and operational requirements for these sources are located in (g)(18)-(21).

The commission has not changed the standard permit in response to this comment.

COMMENT 43: Loading Operations – Part 3

DiSorbo suggested that TCEQ explain why it is necessary to impose condition (g)(8)(A) on MLO sources claiming the standard permit. DiSorbo stated that condition (g)(8)(A) makes enforceable all throughput representations in a standard permit registration, creating liability for applicants under 30 TAC § 116.12(20)(B)(vi) that they would not otherwise face if applying for a case-by-case permit, since emission rates established under the standard permit are themselves enforceable.

RESPONSE 43: The materials, rates, throughputs, and collection efficiencies must be included in the standard permit registration because these representations are the basis of emissions representations and impacts evaluations that demonstrate compliance with standard permit requirements. The language in 30 TAC § 116.615(2) indicates that all standard permit representations become conditions of the authorization and the registration must be updated for any change in representations. The standard permit is not intended to replace the NSR permitting program, which is still an option for authorization of these types of operations. The commission has not changed the standard permit in response to this comment.

COMMENT 44: Clarification of Vapor Pressure Measurement Relating to Temperature

Stolt requested clarification on the temperature at which the vapor pressure referenced in (g)(8), (g)(9), and (g)(10) is determined. Specifically, Stolt asked if it is the vapor pressure determined at the actual as-loaded temperature, or if it is the vapor pressure at a fixed, pre-determined temperature, such as 95° Fahrenheit. Stolt noted differences within the three subsections and requested that the requirements are consistent throughout the MLO SP.

RESPONSE 44: The commission agrees, and the standard permit has been revised to ensure the temperature associated with vapor pressure is clear and consistent.

COMMENT 45: Marine Loading – Part 1

IOBCWA expressed concern for condition (g)(9)(A) and asked for clarification on emissions monitoring and spill control and reporting over state waters. IOBCWA also stated that vessels' emissions should be included in the total amount of emissions released. IOBCWA also asked if the EPA's requirement of low sulfur fuel sources for vessels include tugboats in the design calculations for total emissions by operator.

RESPONSE 45: TCEQ doesn't permit emission events or spills. These emissions are outside of the scope of a new source review permit which authorizes emissions from stationary sources.

The standard permit does not authorize mobile sources. The dockside emissions from stationary sources associated with the loading and unloading of material are included in the MLO SP authorization.

The commission has not changed the standard permit in response to this comment.

COMMENT 46: Marine Loading – Part 2

Energy Transfer suggested changing the first sentence of condition (g)(9)(A) as shown to minimize confusion: "*Activities related to, or dependent upon, marine loading*

operations that occur on land and are included in this authorization shall be located at least 25 feet from any property line."

RESPONSE 46: The commission agrees, and the standard permit has been revised in response to this comment.

COMMENT 47: Marine Loading – Part 3
IOBCWA expressed concern for conditions (g)(9)(B) – (D) and questioned what penalties there are for VOC releases. IOBCWA also asked what public recourses are available to ensure compliance after multiple VOC releases across neighborhoods.

RESPONSE 47: Violations documented during an investigation can be addressed through a notice of violation (NOV) letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action with the NOV. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s), and the severity of the impact of the affected resource. Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews. Additional information on the agency's enforcement policies and procedures can be located at the following link: https://www.tceq.texas.gov/compliance/enforcement/enforcement_policies.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 48: Marine Loading – Part 4
Stolt requested that requirements (or lack thereof) for non-inerted loading performed for ships and barges is clarified, as these operations are not addressed specifically in the draft MLO SP.

RESPONSE 48: Condition (g)(9)(C) applies to non-inerted marine vessels. The commission has not changed the standard permit in response to this comment.

COMMENT 49: Marine Loading – Part 5
Stolt stated the term "loading rack" is included in (g)(9)(C)(i), which is not applicable to marine loading operations. Stolt requested that this term is removed for clarity.

RESPONSE 49: The commission agrees, and the standard permit has been revised in response to this comment.

COMMENT 50: Marine Loading – Part 6
Stolt requested that the phrase "Marine loading activities occurring over land…" is clarified. Stolt stated that if the term "marine vessels" in (g)(9)(C)(i) & (ii) is intended to apply only to non-inerted inland barges, they request that the term "marine vessels" is removed and replaced with "non-inerted inland barges" in these sections for clarity; and if this is not the intent, they request that the applicability is clarified to avoid confusion over the definition of a "Marine Vessel" for the purposes of the MLO SP.

RESPONSE 50: As described in the background summary, the phrase "activities occurring over land" refers to land-based facilities, which is all sources except for barge and ship sources. Condition (g)(9)(C) applies to non-inerted marine vessels also referred to as inland barges. Condition (g)(9)(D) applies to inerted marine vessels also referred to as ships or ocean-going barges. The commission has not changed the standard permit in response to this comment.

COMMENT 51: Marine Loading – Part 7
IOBCWA expressed concern for condition (g)(9)(D)(iii) and asked how "once every eight hours" can ensure safety for nearby property owners, and what is the ship's liability for violations and spills.

RESPONSE 51: The MLO SP requires the applicant to conduct the AVO within the first hour of loading and every eight hours thereafter. Through evaluation of actual testing data, the leaks are typically found within the first hour of loading and the eight-hour AVO checks are an assurance that the loading continues in a manner to prevent losses. In addition to the AVO requirements, the applicant is required to continuously monitor pressure during the entire loading activity which is a constant demonstration in addition to the periodic AVO requirements. The commission has not changed the standard permit in response to this comment.

COMMENT 52: Marine Loading – Part 8
TCC and TIP requested additional flexibility to use optical gas imaging in condition (g)(9)(D)(iii). As written, this portion of the proposed standard permit requires AVO checks for leaks during loading for onshore equipment and on board the ship and is similar to current permit language for marine loading terminals. Both commenters suggested that the TCEQ add a statement, whether as new (g)(9)(D)(iii)(V) or in another suitable location, which permits use of optical gas imaging instead of AVO for these checks. Both commenters requested the added sentence should read to the following effect: "*An optical gas imaging instrument as defined in 30 TAC 115.358 may be used instead of the AVO checks to identify leaks*."

RESPONSE 52: There is not enough information for OGI to be implemented as an optional means of leak detection. The cameras require specific weather conditions and cannot detect leaks at a precise enough leak concentration. It requires a case-by-case review and does not meet standard permit requirements. The commission has not changed the standard permit in response to this comment.

COMMENT 53: Marine Loading – Part 9
Emily C. Nye stated there is a typo in condition (g)(9)(D)(iii)(II). Emily C. Nye stated she believed the wording should read "*Loading operations need not be ceased if the first attempt to repair the leak is successful"* instead of the current "*Loading operations need not be ceased if the first attempt to repair the leak is not successful*". Emily C. Nye stated that this small mistake could lead to significant consequences and asked that the permit be thoroughly reviewed for additional mistakes and a revised copy be made available for review by the public.

RESPONSE 53: The language is based on the Air Permit Technical Guidance for New Source Review Loading Operations guidance document (APD-ID 3v1) and boilerplate conditions for MLOs. Any deviation from standard permit conditions would require case-by-case review and does not meet standard permit

requirements. If the leak is not repaired after the first attempt, loading may proceed but the collection efficiency that may be represented is reduced down to 99%. The commission has not changed the standard permit in response to this comment.

COMMENT 54: Marine Loading – Part 10
IOBCWA expressed concern for condition (g)(9)(D)(iii)(II). IOBCWA stated that if there is a leak, operations should cease until repairs are made. IOBCWA also asked about alerts to neighbors and staff.

RESPONSE 54: Immediate repair of the leaking component could require a plant shutdown and would generate more emissions than the repair would eliminate. As set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in emissions in excess of a reportable quantity. The reportable quantity varies based on the air contaminant released. These notifications are available to the public upon request.

In the event a citizen is adversely impacted by air emissions from this or any other site, they may register a complaint with the appropriate Regional Office or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186. Complaints are addressed in accordance with TCEQ procedures. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation.

The commission has not changed the standard permit in response to this comment.

COMMENT 55: Marine Loading – Part 11
IOBCWA commented on condition (g)(9)(D)(iii)(III) and asked if the TCEQ makes the determination of 99% collection efficiency. IOBCWA asked how this is verified.

RESPONSE 55: As described in the Air Permit Technical Guidance for New Source Review Loading Operations, the collection efficiency of 99% is based on ship testing data provided from 2013 to 2019. Collection efficiencies provided in permit applications are enforceable representations and the TCEQ Regional Office may require tests to demonstrate compliance. The commission has not changed the standard permit in response to this comment.

COMMENT 56: Marine Loading – Part 12
IOBCWA commented on condition (g)(9)(D)(iv) and recommended that all affected parties to emissions be notified.

IOBCWA also commented on conditions (g)(9)(E)(i) – (ii) and stated records should be made available within 30 days to individuals or communities upon request in writing. IOBCWA stated that refueling of vessels and the emissions associated with this event should also be added to the emissions for the operator.

RESPONSE 56: The permit holder is required to maintain records to demonstrate compliance with the requirements of the permit, including records of all repairs

and replacements made due to leaks and other records required in the standard permit.

Regarding the refueling of vessels and associated emissions, the standard permit does not authorize mobile sources.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 57: Marine Loading – Part 13
Stolt requested that the term "short-term throughputs" is clarified in (g)(9)(E)(i) & (g)(10)(A). Stolt asked if this is the loading rate, or simply the volume of material loaded into the truck.

RESPONSE 57: Short-term throughput is the hourly volumetric loading rate. The commission has not changed the standard permit in response to this comment.

COMMENT 58: Truck Loading
Stolt commented on condition (g)(10) and requested that the "recent service" record only be required for trucks that are loaded while in residue service after last being unloaded. For a truck that is clean, dry, and odor free at the time of loading, a recent service record is unnecessary, and may not be available to the facility operator.

RESPONSE 58: The commission agrees, and the standard permit has been revised in response to this comment.

COMMENT 59: Drum, Tote, and Non-ISO Container Loading
Stolt requested that the applicability of drumming and tote filling during MSS operations is clarified. Stolt requested that drum and tote filling performed under condition (g)(12) is clarified to apply to routine activities only. Stolt stated it is not practical, nor is it necessary, to perform MSS drum and tote filling operations within a total enclosure due to the infrequent nature of these operations, and the extremely low emissions associated with filling small numbers of drums and totes during MSS.

RESPONSE 59: The loading of drums and totes are still considered routine operations, even if the site is undergoing MSS activities. The commission has not changed the standard permit in response to this comment.

COMMENT 60: Fugitives – Part 1
IOBCWA commented on (g)(14)(A) and stated that all components, including the pumps, flanges, piping, valves, compressors, and any valves that are difficult and unsafe to monitor shall be monitored at a minimum of quarterly.

RESPONSE 60: It is standard practice for EPA and TCEQ fugitive monitoring programs to provide alternative monitoring frequencies for difficult and unsafe to monitor components. A difficult to monitor component, as defined in 30 TAC § 115.352(7), is a component that cannot be inspected without elevating the monitoring personnel more than two meters above a permanent support surface or that requires a permit for confined space entry. An unsafe to monitor component, as defined in 30 TAC § 115.354(1)(C), is a component that the owner or operator determines is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of conducting the monitoring . Monitoring of unsafe components would expose personnel to hazardous conditions and therefore is not required at the same frequency of other components. The emissions from difficult and unsafe to monitor components must be monitored, just on a less frequent basis than accessible components. The commission has not changed the standard permit in response to this comment.

COMMENT 61: Fugitives – Part 2
IOBCWA commented on conditions (g)(14)(B)(vii) and (g)(14)(B)(x) and requested that record keeping be maintained for a period of five years and made available to the public upon written request within 30 days. IOBCWA also stated VOC emissions shall include all vessels loading or unloading product.

RESPONSE 61: Per 30 TAC § 116.615(8), information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. Standard permit facilities that are subject to Title V requirements are subject to five-year recordkeeping, otherwise records are required to be maintained for two years by rule.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 62: Fugitives – Part 3
IOBCWA commented on condition (g)(14)(B)(ix) and asked who determines the emissions rates and reports to TCEQ. IOBCWA also asked what records document this event, and shouldn't the operator report the leak first and continue to update TCEQ until the issue is resolved.

RESPONSE 62: The emissions rates are represented in the standard permit registration by the applicant and reviewed by TCEQ staff. Recordkeeping requirements are listed in the MLO SP requirements. Fugitive leak monitoring and

reporting requirements are based on the fugitive programs listed in (g)(14). For more information see the TCEQ Fugitive Guidance (APDG-6422v2). The commission has not changed the standard permit in response to this comment.

COMMENT 63: Fugitives – Part 4
IOBCWA requested that condition (g)(14)(B)(xi) be struck in its entirety and TCEQ should enforce a quarterly leak-checking gas analyzer inspection. IOBCWA stated that most leaks go undetected for months and have a great probability of increasing in volume over time thus resulting in a higher percentage of catastrophic failure.

RESPONSE 63: It is standard practice for EPA and TCEQ monitoring programs to allow for reduced monitoring frequency for low levels of leaking components. Condition (g)(14)(B)(xi) requires that compliance with 30 TAC Chapter 115 and any applicable NSPS or NESHAP must be met, in addition to compliance with the requirements of (g)(14)(B). The commission has not changed the standard permit in response to this comment.

COMMENT 64: Fugitives – Part 5
IOBCWA recommended striking condition (g)(14)(B)(xii) in its entirety.

RESPONSE 64: It is standard practice for EPA and TCEQ monitoring programs to allow for reduced frequency for low levels of leaking components. The commission has not changed the standard permit in response to this comment.

COMMENT 65: Fugitives – Part 6
IOBCWA recommended striking condition (g)(14)(B)(xiv) in its entirety. IOBCWA stated that a leak of any size should be repaired at the earliest possible time especially when property owners are downwind of the event and vessels are near state waters.

RESPONSE 65: This is an additional requirement if a leak is found by physical inspection (i.e. not during the quarterly monitoring). The leak detection limit of 500 ppmv is standard for specific EPA monitoring programs. The commission has not changed the standard permit in response to this comment.

COMMENT 66: Fugitives – Part 7
IOBCWA commented on condition (g)(14)(C)(i) and stated that toxic chemicals in this section require more stringent rules to protect the health and welfare of workers and downwind recipients of the emission.

RESPONSE 66: Fugitive components representing monitoring under the 28AVO LDAR program must commence repairs no later than one hour upon detection of a leak, which is more stringent than any other fugitive monitoring programs. The commission has not changed the standard permit in response to this comment.

COMMENT 67: Fugitives – Part 8
IOBCWA stated that (g)(14)(C)(iii) should read: "*Date and time of each operator's and TCEQ's inspections shall be noted in operator's log or equivalent and presented to TCEQ once leak is contained. Records shall be of all repairs and replacements made due to leaks and made available to public review within 30 days upon written request*."

RESPONSE 67: During inspection of a site, all records are made available to the investigator at the site. Members of the public may make an open records request.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 68: Fugitives – Part 9
IOBCWA commented on condition (g)(14)(D)(i) and asked what "partial pressure" means as far as VOC emissions releases. IOBCWA asked whether this provision increases the dangers from a VOC release, and why does the section exclude any equipment.

RESPONSE 68: Partial pressure is a measurement of concentration and volatility of VOC. Components with low VOC partial pressure have low potential for emissions. This physical property of the material handled is included in the standard permit registration. The commission has not changed the standard permit in response to this comment.

COMMENT 69: Fugitives – Part 10
IOBCWA commented on condition (g)(14)(D)(iv) and recommended: striking the two phrases from the condition: "*To the extent that good engineering practice will permit*..."; and "*The difficult-to-monitor and unsafe-to-monitor valves may be identified by one or more of the methods described in subparagraph (g)(14)(D)(i).*". IOBCWA recommended adding "*If an unsafe to monitor component is not considered safe to monitor then it shall be monitored as soon as possible within 60 days and reported to TCEQ once completed*."

RESPONSE 69: This is standard practice for EPA and TCEQ monitoring programs. Monitoring of unsafe components would expose personnel to hazardous conditions and therefore is not required. The emissions from difficult and unsafe to monitor components must be calculated and represented in the registration. The commission has not changed the standard permit in response to this comment.

COMMENT 70: Fugitives – Part 11
IOBCWA commented on condition (g)(14)(D)(v) and recommended that new and reworked piping connections be tested at least 20% above operating pressures.

RESPONSE 70: This MLO SP condition is standard practice for EPA and TCEQ monitoring programs. The commission has not changed the standard permit in response to this comment.

COMMENT 71: Fugitives – Part 12
IOBCWA commented on condition (g)(14)(D)(v)(II) and stated that the leak reading of 500 ppmv seems too high and should be reduced for health and safety.

RESPONSE 71: This is standard practice for EPA and TCEQ monitoring programs. Reducing the leak level below 500 ppmv does not result in meaningful reduction of emissions. The fugitive emissions registered under the standard permit are included in the impacts evaluation required by the registration. The commission has not changed the standard permit in response to this comment.

COMMENT 72: Fugitives – Part 13
IOBCWA commented on condition (g)(14)(D)(vi) and recommended that accessible and non-accessible valves and piping be monitored with an approved gas analyzer. IOBCWA stated all leaking discs shall be replaced within five days and reported to TCEQ, and that pressure sensitive alarms shall be tested at least quarterly.

For this same condition, IOBCWA also recommended striking the sentence that reads: "*If a response factor less than 10 cannot be achieved using methane*…" and adding that records of all attempts and repairs shall be reported to TCEQ and made publicly available within 30 days of written request. IOBCWA asked what a response factor of 10 means.

RESPONSE 72: It is standard practice for EPA and TCEQ fugitive monitoring programs to provide alternative monitoring frequencies for difficult and unsafe to monitor components. A difficult to monitor component, as defined in 30 TAC § 115.352(7), is a component that cannot be inspected without elevating the monitoring personnel more than two meters above a permanent support surface or that requires a permit for confined space entry. An unsafe to monitor component, as defined in 30 TAC § 115.354(1)(C), is a component that the owner or operator determines is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of conducting the monitoring. Monitoring of unsafe components would expose personnel to hazardous conditions and therefore is not required at the same frequency of other components. The emissions from difficult and unsafe to monitor components must be monitored, just on a less frequent basis than accessible components. Immediate repair of leaking discs could require a plant shutdown and would generate more emissions than the repair would eliminate. The response factor is a measure of the sensitivity of the instrument used in monitoring to the specific compound being monitored. It is standard practice for EPA and TCEQ monitoring programs to allow the use of different calibration gases to achieve an acceptable response factor. The commission has not changed the standard permit in response to this comment.

COMMENT 73: Fugitives – Part 14
IOBCWA commented on condition (g)(14)(D)(vii) and recommended that all pumps be monitored. IOBCWA stated that they personally know that diaphragm pumps frequently fail and are prone to leakage. IOBCWA suggested striking the sentence beginning with "*Submerged pumps or sealless pumps…*".

RESPONSE 73: This is standard practice for EPA and TCEQ monitoring programs. More information about the monitoring of pumps can be found in the TCEQ Fugitive Guidance (APDG 6422v2).

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas

Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

If violations are discovered during an investigation, the violations will be evaluated to determine if an enforcement action is warranted. An informal enforcement action addresses violations through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews. The commission has not changed the standard permit in response to this comment.

COMMENT 74: Fugitives – Part 15
IOBCWA commented on condition (g)(14)(D)(viii) and asked what penalties and fines would occur if a leak continues beyond 15 days; and is there a cumulative number of emissions that trigger fines. IOBCWA recommended that leaks be reported immediately to TCEQ and the public for health and safety. IOBCWA recommended changing the language throughout the condition to reference calculations and require notice of compliance be updated and made available within five days.

RESPONSE 74: This is standard practice for EPA and TCEQ monitoring programs. More information about the monitoring of pumps can be found in the TCEQ Fugitive Guidance (APDG 6422v2).

If violations are discovered during an investigation, the violations will be evaluated to determine if an enforcement action is warranted. An informal enforcement action addresses violations through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews. The commission has not changed the standard permit in response to this comment.

COMMENT 75: Fugitives – Part 16

IOBCWA recommended striking condition (g)(14)(D)(ix) and replacing it with: "*Monitoring frequency shall be no less than weekly and if in excess of 0.5 percent then monitoring monthly*."

RESPONSE 75: This is standard practice for EPA and TCEQ monitoring programs. More information about monitoring of fugitive components, repair timelines, and reporting requirements can be found in the TCEQ Fugitive Guidance (APDG 6422v2).

If violations are discovered during an investigation, the violations will be evaluated to determine if an enforcement action is warranted. An informal enforcement action addresses violations through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews. The commission has not changed the standard permit in response to this comment.

COMMENT 76: Fugitives – Part 17
IOBCWA recommended striking condition (g)(14)(D)(x) in entirety.

RESPONSE 76: This is standard practice for EPA and TCEQ monitoring programs. More information about monitoring of fugitive components, repair timelines, and reporting requirements can be found in the TCEQ Fugitive Guidance (APDG 6422v2).

If violations are discovered during an investigation, the violations will be evaluated to determine if an enforcement action is warranted. An informal enforcement action addresses violations through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews. The commission has not changed the standard permit in response to this comment.

COMMENT 77: Fugitives – Part 18
IOBCWA commented on condition (g)(14)(D)(xi) and requested that records be kept for a minimum of five years and provided to TCEQ and the public upon written request.

RESPONSE 77: This is standard practice for EPA and TCEQ monitoring programs. More information about the monitoring of fugitive components, repair timelines, and reporting requirements can be found in the TCEQ Fugitive Guidance (APDG 6422v2). Pursuant to 30 TAC § 116.615(8), information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. Standard permit facilities that are subject to Title V requirements would be subject to five-year recordkeeping, otherwise records are required to be maintained for two years by rule. The commission has not changed the standard permit in response to this comment.

COMMENT 78: Fugitives – Part 19
IOBCWA asked what condition (g)(14)(D)(xii) means.

RESPONSE 78: There are many requirements for monitoring fugitive emissions from equipment leaks in addition to requirements in this standard permit. Compliance with the requirements in this standard permit does not guarantee compliance with other rules that may be applicable. The commission has not changed the standard permit in response to this comment.

COMMENT 79: Fugitives – Part 20
IOBCWA requested "*and methane leak detection device*" to conditions (g)(14)(E) and (E)(vi).

RESPONSE 79: This is an alternate monitoring program associated with specific reduction credits for selected components. More information about the monitoring of fugitive components, repair timelines, and reporting requirements can be found in the TCEQ Fugitive Guidance (APDG 6422v2). The commission has not changed the standard permit in response to this comment.

COMMENT 80: Fugitives – Part 21
IOBCWA stated that condition (g)(14)(E)(vii) allows operators to delay repairs indefinably with no urgency required. IOBCWA stated that leaking could also include air emissions and contribute to cumulative emissions for the facility, and that notice to the public must be published within 24 hours of tagged leak.

RESPONSE 80: This is standard practice for EPA and TCEQ monitoring programs. More information about the monitoring of fugitive components, repair timelines, and reporting requirements can be found in the TCEQ Fugitive Guidance (APDG 6422v2). The commission has not changed the standard permit in response to this comment.

COMMENT 81: Fugitives – Part 22
IOBCWA commented that condition (g)(14)(E)(viii) should be expanded to add that records of all inspections, repairs, and replacements of equipment shall be reported to TCEQ and made available publicly within 30 days or written request.

RESPONSE 81: During inspection of a site, all records are made available to the investigator at the site. Members of the public may make an open records request.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas

Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 82: Fugitives – Part 23
IOBCWA commented on condition (g)(14)(F)(iv) and recommended striking the two phrases from the condition: "*To the extent that good engineering practice will permit...*" and "*The difficult-to-monitor and unsafe-to-monitor valves may be identified by one or more of the methods described in Paragraph A above.*" IOBCWA recommended adding "*If an unsafe to monitor component is not considered safe to monitor, then it shall be monitored as soon as possible within 60 days and reported to TCEQ once completed*."

RESPONSE 82: This is standard practice for EPA and TCEQ monitoring programs. Monitoring of unsafe components would expose personnel to hazardous conditions and therefore is not required. The commission has not changed the standard permit in response to this comment.

COMMENT 83: Fugitives – Part 24
IOBCWA commented on condition (g)(14)(F)(v) and recommended that new and reworked piping connections be tested at least 20% above operating pressures. IOBCWA also commented that for condition (g)(14)(F)(v)(II), any delays should take into account the type and amount of emissions and affected parties before TCEQ allows for a delay in the repairs. IOBCWA stated penalties and fines should apply to this condition, and records should be made available to the public within 30 days.

IOBCWA further stated that other sections and provisions down to the top of condition (g)(15) have comments for similar types of leaks and repairs.

RESPONSE 83: This is standard practice for EPA and TCEQ monitoring programs. During inspection of a site, all records are made available to the investigator at the site. Members of the public may make an open records request.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal

enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location's and a person's compliance history. Compliance history ratings are considered during permit application reviews.

The commission has not changed the standard permit in response to this comment.

COMMENT 84: Storage Tanks and ISO Containers – Part 1
Stolt stated that the reference to ISO Containers in condition (g)(15) should also be included in "Loading" section of the standard permit. Stolt stated that ISO Containers are typically used as transportation cargo vessels placed for shipment on a flatbed rail car or trailer, or stacked onto a container ship, and are not used as a permanent storage tank. Stolt stated that because of this, ISO Containers are typically aligned with trucks and rail cars, and not with stationary storage tanks and/or pressure vessels. Stolt stated the reference to ISO containers in condition (g)(15)(H) is out of place. While ISO Containers can be rated for higher pressures, filling an ISO Container will commonly result in emissions, similar to loading any truck or a rail car; ISO Containers are typically not loaded closed with no resulting emissions.

RESPONSE 84: ISO containers were considered for this standard permit as an additional means of chemical storage. Emissions from loading of an ISO container are similar to loading of a storage tank and will be subject to all chemical storage requirements. The reference to ISO containers in paragraph (g)(15)(H) refers to pressurized ISO containers. Pressurized ISO containers will be subject to the same requirements as pressurized storage tanks. The commission has not changed the standard permit in response to this comment.

COMMENT 85: Storage Tanks and ISO Containers – Part 2
IOBCWA commented on condition (g)(15)(A) and recommended having rolling 36-month facility throughput records with public access within 30 days of written notice. IOBCWA stated that air monitor devices should be implemented utilizing predominate wind rose downwind directions for summer and winter seasons, and that air monitors should be equipped with best practices analyzing multiple pollutants that shall be kept in permanent records for 36 months.

RESPONSE 85: Establishing an air monitoring network for each project site is not required. As part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or

online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 86: Storage Tanks and ISO Containers – Part 3
TCC stated condition (g)(15)(B) limits floating roof storage tanks to the storage of product with a vapor pressure less than or equal to 11 psia. TCC requested an option be added for floating roof storage tanks which store a product with a vapor pressure greater than 11 psia and are connected to control, as allowed under NSPS Kb.

RESPONSE 86: Materials stored in floating roof storage tanks with a vapor pressure greater than or equal to 11.0 psia would require a case-by-case evaluation which is outside the current scope of the MLO SP. The commission has not changed the standard permit in response to this comment.

COMMENT 87: Storage Tanks and ISO Containers – Part 4
Energy Transfer commented for condition (g)(15)(B) that, consistent with 40 CFR Part 60, Subpart Kb § 60.112b(b), they request that materials with true vapor pressure greater than or equal to 11.0 psia be allowed under this authorization when proper control consistent with the referenced requirements are met.

RESPONSE 87: Materials with vapor pressure greater than 11.0 psia can be stored if routed to control as expressed in condition (g)(15)(E)(i)(III). The commission has not changed the standard permit in response to this comment.

COMMENT 88: Storage Tanks and ISO Containers – Part 5
Stolt requested that heated tanks, which almost universally store low vapor pressure materials (<0.5-psia) such as waxes and fatty alcohols, do not require continuous temperature monitoring as specified in condition (g)(15)(D). Stolt stated that daily records of the stored product temperature, and all tank filling temperature records, are sufficient to demonstrate compliance for these low-emitting sources.

RESPONSE 88: The continuous temperature monitoring is for consistency with represented hourly emissions rates. Heated tanks have continuous temperature monitoring to help with maintaining viscosity of the material. Compliance is required to be demonstrated through recordkeeping. The commission has not changed the standard permit in response to this comment.

COMMENT 89: Storage Tanks and ISO Containers – Part 6
IOBCWA commented on condition (g)(15)(E)(iii) and questioned where the rainwater goes and if the effluent is monitored. IOBCWA asked what storm runoff protections are in place near state waters and if the Clean Waters Act is in place.

RESPONSE 89: Stormwater discharges are not regulated under the TCAA and are therefore outside the scope of the MLO SP Facilities that are subject to permit requirements for stormwater discharges must obtain authorization as appropriate through the TCEQ Office of Water, Water Quality Division. The commission has not changed the standard permit in response to this comment.

COMMENT 90: Storage Tanks and ISO Containers – Part 7

IOBCWA commented on condition (g)(15)(E)(iv) and stated that the phrase "*if present*" should be struck.

RESPONSE 90: This MLO SP condition is standard practice for EPA and TCEQ monitoring programs. The commission has not changed the standard permit in response to this comment.

COMMENT 91: Storage Tanks and ISO Containers – Part 8
IOBCWA commented on condition (g)(15)(E)(v) and stated that weekly monitoring of the vapor recovery system should be recorded in operators' permanent records for 36 months and made available within 30 days to TCEQ and the public upon written request.

RESPONSE 91: Per 30 TAC § 116.615(8), information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. If the standard permit facilities are subject to Title V permitting, then 5-year recordkeeping would apply.

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The commission has not changed the standard permit in response to this comment.

COMMENT 92: Storage Tanks and ISO Containers – Part 9
Energy Transfer requested that heated storage tanks be excluded from condition (g)(15)(E)(vi).

RESPONSE 92: The commission agrees, and the permit has been revised in response to this comment.

COMMENT 93: Storage Tanks and ISO Containers – Part 10
Stolt stated the draft MLO SP allows construction of unpainted aluminum tanks under condition (g)(15)(E)(vi). Stolt requested that unpainted stainless steel tanks also be allowed under the proposed standard permit.

RESPONSE 93: The use of stainless steel tanks must be evaluated via NSR case-by-case permitting, as it currently does not meet Tier 1 BACT. The commission has not changed the standard permit in response to this comment.

COMMENT 94: Storage Tanks and ISO Containers – Part 11
Energy Transfer requested that condition (g)(15)(F) be reworded to make it clear that sampling of tank vapor space for H_2S is only required if vapor space concentrations were used in permit application calculations, and otherwise, liquid samples will suffice.

RESPONSE 94: The commission agrees, and the standard permit has been revised to indicate that vapor space concentration sampling is required if H_2S emissions are estimated using vapor space concentrations in the registration application.

COMMENT 95: Storage Tanks and ISO Containers – Part 12
Energy Transfer commented on condition (g)(15)(F)(iii) and suggested changing the phrase "*any change of service*" to "*receipt of a new crude oil stock*" for tanks storing crude oil to minimize confusion.

RESPONSE 95: Products other than crude with H_2S emissions may be stored. The commission has not changed the standard permit in response to this comment.

COMMENT 96: Storage Tanks and ISO Containers – Part 13
PCS commented on condition (g)(15)(G) and stated that unlike NSR permits, the emission limits found in the permit registration are not readily available to the public for greater transparency.

RESPONSE 96: The application materials will include registered emission rates for each proposed emission source. Additionally, the registration will specify those emission rates that the owner/operator must comply with.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

The commission has not changed the standard permit in response to this comment.

COMMENT 97: Storage Tanks and ISO Containers – Part 14
Stolt expressed concern with condition (g)(15)(G)(i) and stated it is impractical for existing storage tanks that are not equipped with permanent closed vent systems to be monitored for no-detectable emissions when these systems may only be in service for a few hours per quarter. Stolt requested that this requirement apply only to tanks with permanent closed vent systems installed.

RESPONSE 97: It is the requirement of this MLO SP that authorized convenience landings be controlled. Storage tanks that are undergoing convenience landings must be equipped with a closed vent system in order to utilize a control device. The commission has not changed the standard permit in response to this comment.

COMMENT 98: Storage Tanks and ISO Containers – Part 15
TCC stated that condition (g)(15)(G)(i)(II) places requirements on the vapor recovery collection rate during roof landing events. TCC requested that the requirement for "no

less than two times the fill rate" be deleted since it will unnecessarily require the equipment to be oversized.

RESPONSE 98: It is common practice for tanks authorized by TCEQ that "no less than two times the fill rate" be achieved by the vapor recovery system. This is to ensure that all emissions are captured and controlled. The commission has not changed the standard permit in response to this comment.

COMMENT 99: Storage Tanks and ISO Containers – Part 16
Stolt expressed concern with roof landing and floating times referenced in condition (g)(15)(G), and stated it is not always possible to define the exact time a tank floating roof lands or conversely floats, as this height is variable for a given storage tank based on the density of the stored liquid which changes in commercial storage terminals. Stolt stated that, rather than requiring a record of the exact roof landing/floating dates and times, the records should instead require: (1) the dates and start times of the transfer event that either landed or floated the roof; and (2) the dates and times the stationary transfer pump is stopped after a floating roof is landed, and the tank is emptied to the extent possible without opening the tank and using portable equipment to remove residual liquid.

RESPONSE 99: This is common practice for tanks authorized for convenience landings. The commission has not changed the standard permit in response to this comment.

COMMENT 100: Storage Tanks and ISO Containers – Part 17
Stolt commented on condition (g)(15)(H)(i) and stated the current standard permit requires that a floating roof tank be continuously emptied to the extent practicable without entering the tank. Stolt requested that this requirement be revised such that the tank is emptied continuously using the stationary tank pump or other permanent equipment without opening the tank. This distinction is important, as a tank cannot be "continuously" emptied once the stationary tank pump loses suction and ceases to transfer liquids. At that moment, continuous emptying is ceased.

RESPONSE 100: The MLO SP states to drain to the maximum extent practicable which accounts for loss of suction. The requirements for draining tanks in this MLO SP do not restrict the equipment used in the draining of the tank. The commission has not changed the standard permit in response to this comment.

COMMENT 101: Storage Tanks and ISO Containers – Part 18
Energy Transfer requested that condition (g)(15)(H)(ii) be removed. Energy Transfer stated that emissions from a safety relief valve or rupture disc are nonroutine, unpredictable, and/or classified as upset emissions. It is inconsistent with TCEQ's policy to regulate them in these terms. Additionally, it is not clear what demonstration would be sufficient for the safety evaluation.

RESPONSE 101: The safety relief or rupture disc shall be routed to a control device "if safe" as determined by the "owner or operator". This does not authorize the emissions but rather allows the safety relief or rupture disc to be plumbed to a control device rather than releasing directly to the atmosphere. The commission has not changed the standard permit in response to this comment.

COMMENT 102: Storage Tanks and ISO Containers – Part 19

Stolt stated that NSPS Subpart Kb was revised on January 19, 2021 to allow additional flexibility regarding roof inspections, and certain caveats for monitoring, recordkeeping, and reporting. Stolt requested that this flexibility is incorporated into the MLO SP.

RESPONSE 102: The standard permit has been updated to allow for all alternative means of compliance specified in 40 CFR § 60.110b(e) (as amended at 86 FR 5019, Jan 19, 2021) which includes the recent updates to NSPS Kb to allow for alternative roof inspections according to MACT WW.

COMMENT 103: Capture Systems
Stolt stated that the Method 21 inspection for Capture Systems referenced in (g)(16) should include language that specifically addresses and excludes components that are either inaccessible (such as insulated components) or are classified as unsafe to monitor. Stolt stated that such exclusions are common in other approved LDAR programs.

RESPONSE 103: Any additional language would not affect the required monitoring frequency. Currently (g)(16)(A) allows once a month AVO or once a year, which is similar language used in all LDAR programs for difficult (inaccessible) or unsafe to monitor components. The commission has not changed the standard permit in response to this comment.

COMMENT 104: Flares – Part 1
Stolt requested that the standard permit be revised and clarified to indicate that a flame or pilot must be present during operations that require use of the flare for control. Stolt stated the standard permit indicates that a pilot flame must be present at all times (when there is not flame), and that this is not necessary for intermittent flares, such as loading flares when no loading operations are ongoing.

RESPONSE 104: The commission has not changed the standard permit in response to this comment. The standard permit requires that the flare be operated with a flame present at all times and/or have a constant pilot flame. This is consistent with federal standards for flares in 40 CFR § 60.18.

COMMENT 105: Flares – Part 2
Energy Transfer suggested changing the first sentence of (g)(17)(D) to read as follows (underline text indicates new language suggested by Energy Transfer): "*A continuous flow monitor and composition analyzer (or calorimeter, if represented in the registration) shall be installed that provides a record of the vent stream flow and composition <u>(or British thermal units (Btu) content if a calorimeter is installed)</u> to the flare*."

RESPONSE 105: The commission agrees, and the standard permit has been revised to include British thermal units (Btu) content if a calorimeter is installed.

COMMENT 106: Vapor Oxidizers
Energy Transfer stated that within (g)(19)(E), the sentence that starts with "*Quality assured (or valid) data must be generated….*" is incomplete.

RESPONSE 106: The commission agrees, and the standard permit has been revised to correct the sentence.

COMMENT 107: Boilers and Heaters – Part 1

DiSorbo stated that no averaging time is provided for the boiler and heater NO_x and CO emission limits under condition (g)(21). DiSorbo explained that they believed a 30-day rolling average is intended, consistent with MACT DDDDD and NSPS Ja. A 24-hr rolling average is specified for NH_3, consistent with that required under recent case-by-case permits issued for boilers.

RESPONSE 107: The commission agrees, and the standard permit has been revised to include the correct averaging times.

COMMENT 108: Boilers and Heaters – Part 2
Stolt requested that "steam generators", which are designed and function differently than "boilers", are specifically included throughout the MLO SP, where applicable, and wherever "boilers" are currently included.

RESPONSE 108: Steam generators were not considered during the development of the standard permit as they are not commonly found at marine loading operations. The commission has not changed the standard permit in response to this comment.

COMMENT 109: Boilers and Heaters – Part 3
Energy Transfer requested that "0.5 gr/100 dscf" be replaced with "5 gr/100 dscf" in condition (g)(21)(D)(iii) to match requirement found in condition (g)(21)(C)(iii).

RESPONSE 109: The commission agrees, and the standard permit has been revised in response to this comment.

COMMENT 110: Maintenance, Startup, and Shutdown (MSS) – Part 1
Energy Transfer requested that condition (g)(23)(D) be removed because MSS emissions will be calculated and represented separately from normal operations and facilities can demonstrate compliance by tracking and maintaining actual MSS emissions.

RESPONSE 110: This condition is included to specify that the control device requirements for loading activities and control devices are applicable whether undergoing routine or MSS activities. The commission has not changed the standard permit in response to this comment.

COMMENT 111: Maintenance, Startup, and Shutdown (MSS) – Part 2
Energy Transfer requested that the following sentence be removed from condition (g)(23)(F)(iv)(II) as they believe it will not provide any environmental benefit and will be burdensome from a compliance standpoint: "*The locations and/or identifiers where the purge gas or steam enters the process equipment or storage vessel and the exit points for the exhaust gases shall be recorded. Process flow diagrams (PFDs) or PID may be used to demonstrate compliance with the requirement.*"

Energy Transfer also requested that the following sentence be removed from condition (g)(23)(H)(v)(II), as they believe it will not provide any environmental benefit and will be burdensome to comply with: "*The locations and identifiers of vents other than permanent roof fittings and seals, control device or controlled recovery system, and controlled exhaust stream shall be recorded*."

RESPONSE 111: The TCEQ respectfully disagrees that either requirement will create a burden. In addition, exit points for the exhaust gases should have already been identified in MLO SP application. For condition (g)(23)(F)(iv)(II), the MLO SP also allows process flow diagrams to demonstrate compliance with the requirement rather than locations and/or identifiers. The commission has not changed the standard permit in response to this comment.

COMMENT 112: Maintenance, Startup, and Shutdown (MSS) – Part 3
Energy Transfer requested that only one of the three criteria specified in paragraphs (g)(23)(F)(v)(I) through (III) need to be met, especially if such MSS emissions (>50 lb.) are represented in the application.

RESPONSE 112: The MLO SP authorizes the release of emissions without control once these three criteria are met based on good engineering practices. Relaxing this requirement does not meet the intent of this mechanism. The commission has not changed the standard permit in response to this comment.

COMMENT 113: Maintenance, Startup, and Shutdown (MSS) – Part 4
Energy Transfer requested that the calibration frequency in condition (g)(23)(G)(iii)(II) be changed from monthly to annual to be consistent with calibration frequency required elsewhere in the standard permit.

RESPONSE 113: The monthly calibration requirement is considered good engineering practice and aligns with the general recommendation for LEL detectors in case-by-case permits. The commission has not changed the standard permit in response to this comment.

COMMENT 114: General - Compliance Monitoring
DiSorbo stated that monitoring of compliance with 40 CFR § 60.18 (or other applicable NESHAP overriding such requirements) should be as provided for under 30 TAC § 115.544(b)(2)(E) to the extent it does not conflict with any applicable federal regulation.

RESPONSE 114: When regulations such as 30 TAC Chapter 115 and 40 CFR § 60.18 overlap, a demonstration of compliance is required that meets the requirements of each regulation. The commission has not changed the standard permit in response to this comment.

COMMENT 115: General - Emissions
IOBCWA requested that docked vessels emissions be included in permit process as well as monitoring.

RESPONSE 115: The dockside emissions from stationary sources associated with the loading and unloading of material are included in the MLO SP authorization. The commission has not changed the standard permit in response to this comment.

COMMENT 116: General - Applicability for High Boiling Point/Low Vapor Pressure Liquids
Stolt requested that certain low vapor pressure, low emitting, high boiling point liquids be expressly authorized for marine loading operations without the requirement to perform a contaminant-by-contaminant air quality impacts evaluation, similar to the existing PBR authorizations allowed under 30 TAC §106.472. Stolt stated that facilities in Texas can

already claim storage and land-based loading of these chemicals today under PBR with no registration required, and that including them in the MLO on a contaminant-by-contaminant basis adds unnecessary complexity to the standard permit process for regulated entities and for the agency for these insignificant operations that are already authorized for land-based emissions sources (and at higher emission rates on a throughput volume basis) with no registration or other agency review required.

RESPONSE 116: The materials and speciations must be included in the standard permit registration because these representations are the basis of emissions representations and impacts evaluations that demonstrate compliance with standard permit requirements for all of the facilities collectively authorized under the MLO SP. The commission has not changed the standard permit in response to this comment.

COMMENT 117: General - Compliance
Emily C. Nye expressed concern that the permit contains no penalties for industry if they do not meet the standard requirements and requested that penalties be stated in the permit and strictly enforced by the TCEQ. Emily C. Nye asked what incentive there is for industry to comply if the sole consequence of non-compliance is simply a “slap on the wrist”.

Emily C. Nye also requested permits be revised to include public notification of leaks and emissions exceeding limits because the proposed standards do not require local communities to be notified by the facility if/when a leak occurs, or emissions stretch beyond establish standards.

RESPONSE 117: The TCEQ evaluates all complaints received. If a facility or group of facilities are found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action.

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order, including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a specific location’s and a person’s compliance history. Compliance history ratings are considered during permit application reviews.

The TCEQ takes your health and environmental concerns seriously. If you have been adversely impacted by emissions from a facility, or suspect noncompliance with terms of any permit or other environmental regulation, you may file a complaint with the Regional Office or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186.

In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours

of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions.

The commission has not changed the standard permit in response to this comment.

COMMENT 118: General - Standards for Existing and New MLOs
Several commenters (April Armstrong, Dorothy Averbach, Elke Baitis, Christopher Basaldu, Chad Bird, Jill Brodnax, Roger Brodnax, Pat Brown, L.C., Jase Carlile, Melony Chandler, Patt Coeckelenbergh, Yves Coeckelenbergh, Kay Culpepper, Kimber De Salvo, Margaret Drdla, Miguel Escoto, A.F., Mani Fawad, James Feuerborn, Kristina Flakowitz, Rebel Foster, Wally Blue Wolf Constante Flores, Cathy Fulton, Alyssa Garza, S.P. Gates, Jim Graffigna, Mark Grosse, Greta Gustafson, William Harding, Rose Hermes, Rebekah Hinojosa, Donna Hoffman, Gloria Joan Holt, Nancy Hynes, Wendy Hughes, Nikki Ikonomopoulos, Juanita Johnson, Hilton Kelley, Tammy King, James Klein, Jo Krueger, Uneeda Laitinen, Kathryn Masten, Elizabeth Mayorga, Gary McDonough, G. Mcevoy, Eli McKay, Neil McQueen, Jane Moore, Crystal Moran, John Morris, Stephen Murphy, Julie Nye, Julie Plunkett, Elaine Robbins, Donna Robinson, Michael Ryan, Carole Salsberry, Love Sanchez, Dana Sasser, Lela Shelton, Ashara Slagger, Michelle Smith, Chris Stimson, Sarah Jordan Stout, Tom Strubbe, Errol Summerlin, TIRN, Stephanie Thomas, William Thompson, Chelsea Tobin, Debra Trumpy, Ryan Turner, Agnes Varnum, John Weber, Mary Wentheimer [TCE], Kaiba White, Paul Willhite, Mary Wimpfheimer, Mark Wysocki, Melissa Zamora, and Patricia Zavala) expressed concern that existing fossil fuel marine loading operations are already causing releases of harmful compounds like benzene and requested that the standards not be relaxed but rather that the standards be strengthened for both existing and new proposed projects.

RESPONSE 118: The executive director's staff has developed the standard permit requirements in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development.

All standard permits must require BACT, and any authorized emissions must be determined to be protective of human health and welfare. An application for a standard permit registration is reviewed to ensure that the project meets the requirements for a standard permit authorization. Individual applications for standard permit registrations are not subject to public notice requirements, because these procedural requirements occur during the development of the standard permit.

During the development of the Standard Permit, the executive director designed an extensive protectiveness review to ensure protectiveness of human health and the environment. An applicant will use the required protectiveness review to evaluate proposed emissions from applicable facilities/activities to demonstrate human health and welfare are protected by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the NAAQS, TCEQ ESLs, and TCEQ rules. The executive director determined that the standard permit is protective of both human health and welfare and the environment.

The EPA created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to human health and the environment. Primary standards protect human health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), sulfur dioxide (SO_2), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM_{10}), and PM less than or equal to 2.5 microns in aerodynamic diameter ($PM_{2.5}$). The Standard Permit is designed to be in compliance with the NAAQS.

ESLs are specific guideline concentrations used in TCEQ's evaluation of certain pollutants. These guidelines are derived by the TCEQ's Toxicology Division and are based on a pollutant's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based ESLs are set below levels reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. The TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL.

The TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or effects on property values when developing this standard permit.

The commission has not changed the standard permit in response to this comment.

COMMENT 119: General - Increased Industry
Dara Pena expressed concern for increased industry along the coast and requested to have stricter regulations to control continued discharge and contamination by large companies.

RESPONSE 119: During the development of the Standard Permit, the executive director designed an extensive protectiveness review to ensure protectiveness of human health and the environment. An applicant will use the required protectiveness review to evaluate proposed emissions from applicable facilities/activities to demonstrate human health and welfare are protected by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the NAAQS, TCEQ ESLs, and TCEQ rules. The executive director determined that the standard permit is protective of both human health and welfare and the environment.

The TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable

by the TCEQ. Zoning and land use are beyond the authority of the TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

Individuals are encouraged to report any environmental concerns at the plant by contacting the TCEQ Regional Office or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to enforcement action.

COMMENT 120: General - Nuisance Concerns and Relaxed Regulations
Lucia Dailey, Donna Hoffman, and Mary Wentheimer (TCE) noted nuisance concerns associated with industrial activities such as noise, dust, and fumes, the dangers of collisions, fires, toxic substances, and even explosions.

Additionally, the commenters expressed a concern with “one size fits all permits” due to an increase in incidents and the relaxation of regulations. The commenters stated that “a lack of serious penalties for infractions will not reduce their occurrence” and requested monitoring, reporting requirements, and timely third-party inspections to demonstrate compliance.

RESPONSE 120: While nuisance conditions are not expected if the facilities authorized under the MLO are operated in compliance with the terms of the standard permit, operators must also comply with 30 TAC § 101.4, which prohibits nuisance conditions.

TCEQ does not have authority under the TCAA to require or enforce any noise abatement measures. Noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise.

This permit does not authorize emissions from emergencies or upsets that may occur at the MLO authorized facilities. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions. Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects off-property in the event of a disaster, and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the application. Special condition (f)(4) of the standard permit requires that the site maintain a Risk Management Plan if facilities handle a listed substance exceeding the applicable threshold.

The TCEQ takes your health and environmental concerns seriously. If you have been adversely impacted by emissions from the site, you may file a complaint with the appropriate Regional Office in your area or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186.

Monitoring requirements are included in the Standard Permit. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping.

The commission has not changed the standard permit in response to this comment.

COMMENT 121: General - Concerns with Background Summary
Luke Dailey expressed the following concerns from the MLO SP Background Summary:

1. On page 5 and 6, for Marine Loading and Operational Requirements, a 25-foot setback for a land-based facility from an adjoining property seems totally insufficient. That is 10 steps for me, not much longer than some automobiles. The regulations for facilities and loading from state waters is actually “murky, with “off-property” considered “on-property” and the “25-meter property line assumption”.
2. On page 7, “Truck loading collection efficiencies must be based on the representations made in the registration.” Does that mean that they can be other than what is in the registration?
3. On page 10, it discusses Flares. There are already serious problems in Texas with flaring and the uncontrolled release of toxics due to fracking. Shouldn't these regulations be mentioning discouraging flaring as much as possible?

RESPONSE 121: Regarding item (1), as part of this authorization, a protectiveness review is required, and an applicant will evaluate proposed emissions from applicable facilities/activities to compare with thresholds to demonstrate human health and welfare are protected. The State of Texas has jurisdiction extended to 3 marine leagues (9 nautical miles) seaward. The commission has not changed the standard permit or background summary in response to this comment.

Regarding item (2), the commission agrees that this statement in the background summary is unclear and will be revised to clarify that truck loading collection efficiency must be represented in the registration. Representations made in the registration are conditions upon which the facility must be constructed and operated, and these representations are federally enforceable, including truck loading collection efficiencies.

Regarding item (3), the activity of hydraulic fracturing (fracking) cannot be authorized under this standard permit, nor can flaring of emissions generated by fracking. Under this standard permit, flares may be authorized to combust emissions generated by tanks, loading operations, and/or MSS activities. All emissions that are released from a flare authorized under this standard permit will undergo an impacts evaluation to ensure protectiveness of health and environment.

Flaring is considered BACT in reducing VOC emissions from loading operations. A flare can be authorized for use as a control technology, if appropriate, for the

abatement of emissions that result from routine operations and MSS activities for certain authorized facilities.

COMMENT 122: General - Standard Permit Development – Part 1
Lucia Daly requested to know why the development of the standard permit was initiated. Additionally, the commenter stated the need for baseline studies and monitoring as opposed to modeling and emission estimates.

The commenter also stated that a 25-foot set back from a property line is totally inappropriate for any operation (fumes, smoke, dust, trash, pollutants) and that 25 feet is equivalent to 10 steps.

RESPONSE 122: The executive director's staff has developed the standard permit requirements in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. The agency identified a permitting gap in authorizing marine loading sites, and the MLO SP was developed to give flexibility when seeking authorization.

Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, the TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area.

The TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on the TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new and select "Air Monitoring Network Announcements."

Stationary air monitors are sited to measure air quality that is representative of a broader area or region. Therefore, monitors are not typically placed to measure the impacts from specific industrial facilities.

All standard permits must require BACT, and any authorized emissions must be determined to be protective of human health and welfare. An application for a standard permit registration is reviewed to ensure that the project meets the requirements for a standard permit authorization. The standard permit contains language that requires the permit holder to meet BACT at the time of the establishment of the standard permit. The applicant must represent that the

emission sources and controls proposed in the MLO SP application meet the requirements of the MLO SP, which is consistent with BACT at the time of the development of the MLO SP permit.

An applicant is required to conduct a protectiveness review as part of this authorization. The protectiveness review must demonstrate, beginning at the applicant's property line, human health and welfare are protected. As such, any source located 25 feet from the property line must meet the protectiveness review requirements and would be protective of human health and welfare.

The TCEQ takes your health and environmental concerns seriously. If you have been adversely impacted by emissions from the site, you may file a complaint with the appropriate Regional Office in your area or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186. The commission has not changed the standard permit in response to this comment.

COMMENT 123: General - Standard Permit Development – Part 2
CAPE stated that this rule does not require infrared leak detection devices to detect fugitive emissions. This rule requires only quarterly inspections of systems and stated that a difficult to monitor component, in other words, one that can't be reasonably reached for detection of fugitive emissions, only has to be inspected once a year. The commenter stated that this rule essentially allows facilities to be built at will and relies on the individual facility to self-monitor for compliance and provides far too much flexibility to the operator of the facility.

The commenter stated that this a complicated rule and its applicability to facilities in between PBRs and NSR permits is confusing. A simpler explanation through public presentations in lay terms would be helpful and would better inform the public. This could then be followed up by the second public meeting.

RESPONSE 123: "Difficult to monitor" or "unsafe to monitor" components are defined in 30 TAC § 115.352(7) and § 115.354(1)(C) respectively, and requirements from these rules are incorporated into the standard permit. An unsafe-to-monitor component is defined as "a component that the owner or operator determines is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of conducting the monitoring." A difficult-to-monitor component is a component that cannot be inspected without elevating the monitoring personnel more than two meters above a permanent support surface or that requires a permit for confined space entry. Components that are difficult to monitor and components that are unsafe to monitor must be identified in a list made immediately available upon request. The use of infrared leak detection devices for fugitive emissions is outside the scope of this standard permit authorization mechanism and cannot be authorized as a means of fugitive emissions monitoring.

Monitoring requirements are included in the Standard Permit. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an

inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping.

The commission acknowledges that air permitting is a complicated topic, and the background summary is intended to explain the proposed permit as simply as possible while maintaining complete technical and regulatory accuracy.

COMMENT 124: General - Standard Permit Development – Part 3
Robin Schneider (TCE) expressed concern that the proposed marine loading standard permit is a one-size-fits-all proposal that would not allow for the best available controls that are appropriate for each and every site. Of particular concern are the monitoring and reporting requirements that should be available for the community to know what's going on at facilities. She stated that this proposal does not have strong monitoring and reporting provisions.

The commenter also expressed concern that the emission standards that the standard permit relies on are not the most up-to-date emission factors and that we need to be as tight as possible on controlling all kinds of pollution and have the most up-to-date factors and controls when deciding what is allowed.

RESPONSE 124: All standard permits must require BACT, and any authorized emissions must be determined to be protective of human health and welfare. The requirement to meet BACT ensures that applicants are using the most current emission factors when evaluating air emissions at the time of development of the standard permit. An application for a standard permit registration is reviewed to ensure that the project meets the requirements for a standard permit authorization. The standard permit contains language that requires the permit holder to meet BACT at the time of the establishment of the standard permit. The applicant must represent that the emission sources and controls proposed in the MLO SP application meet the requirements of the MLO SP, which is consistent with BACT at the time of the development of the MLO SP.

All TCEQ records are available for public view unless one of the exceptions to disclosure listed in the Public Information Act applies. Subchapter C of the Texas Government Code, Chapter 552 - Public Information, lists the exceptions. For environmental data and records available from the TCEQ, please visit the TCEQ Data and Records webpage at https://www.tceq.texas.gov/agency/data. If your request is for any and all documents, pending applications, ongoing compliance or enforcement actions, or records not available in TCEQ's Central File Room or online, you may file an Open Records Request as detailed at https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html.

Monitoring requirements are included in the Standard Permit. The permit holder is required to maintain records to demonstrate compliance with the emission rates and terms of the permit, including the monitoring requirements. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site, including all equipment, control devices, monitors, and a review of all required recordkeeping.

This permit does not authorize emissions from emergencies or upsets that may occur at the MLO authorized facilities. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions. Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects off-property in the event of a disaster, and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the application. Special condition (f)(4) of the standard permit requires that the site maintain a Risk Management Plan if facilities handle a listed substance exceeding the applicable threshold.

COMMENT 125: General - Standard Permit Development – Part 4
Emily C. Nye expressed concern regarding the language in section (g)(2) and stated the 25-foot restriction is meaningless when the property line of the facility adjoins a residential community and does nothing to protect communities from air pollution not to mention the irritating noises, smells, and lights which the facility produces.

RESPONSE 125: An applicant is required to conduct a protectiveness review as part of this authorization. The protectiveness review must demonstrate, beginning at the applicant's property line, human health and welfare are protected. As such, any source located 25 feet from the property line must meet the protectiveness review requirements and would be protective of human health and welfare.

The TCEQ does not have authority under the TCAA to require or enforce any noise abatement measures. Noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise.

The TCEQ does not have authority under the TCAA to consider light pollution when determining whether to approve or deny a permit application.
Issues related to the local economy are outside the scope of review of an air quality permit. The executive director has reviewed the standard permit in accordance with the applicable law, policy, and procedures, in accordance with the agency's mission to protect our state's human and natural resources consistent with sustainable economic development. If an applicant meets the requirements for an air quality permit, the TCEQ must grant the permit.

The commission has not changed the standard permit in response to this comment.

COMMENT 126: General - Standard Permit Development – Part 5
Emily C. Nye expressed concern with the absence of any buffer zone when the facility's property line is extended into state waters. Emily C. Nye stated that while carving out a piece of the public's waters for industrial use, the proposed permit ignores the fact that some of these facilities exist alongside residential communities, whose homeowners and families use the surrounding waters for recreational and economic purposes. The proposed permit allows for real-world situations in which a community on the Texas Gulf coast is literally surrounded by marine loading operations, impairing the health, safety,

and quality of life of its citizens. This is unacceptable, and the proposed permit must be revised accordingly.

RESPONSE 126: An applicant is required to conduct a protectiveness review as part of this authorization. The protectiveness review must demonstrate, beginning at the applicant's property line, human health and welfare are protected. The property line is assumed to extend 25 meters from the marine vessel located on state waters from which the loading activities are occurring, and this distance represents an area that is reasonably expected to be controlled when the loading activities are occurring.

COMMENT 127: General - Complaints
Lucia Daly stated that "complaints receiving prompt action"; however, "it doesn't say what prompt action is."

RESPONSE 127: The TCEQ takes every complaint seriously and will investigate a complaint if it is within our jurisdiction. If the situation is an immediate threat to human health or the environment, the agency will respond with 24 hours of receiving the complaint, if not sooner. Additional information on the TCEQ's complaint process can be on the agency's website at: https://www.tceq.texas.gov/compliance/complaints/.

COMMENT 128: General - TCEQ's Responsibility
Miguel Escoto, Donna Hoffman Tammy King, James Klein, and Dana Sasser stated that it is our duty to protect people's health and the environment by establishing and maintaining serious protective standards for the public good, not for corporate profits and requested that the standards be strengthened to truly protect Texans.

RESPONSE 128: The TCEQ is not authorized to consider a company's financial status nor its profits in development of a standard permit or in reviewing a standard permit registration. Continued compliance with health effects guidelines and control requirements is expected if the company operates in compliance with the permit terms and conditions. Individuals are encouraged to report any environmental concerns at the site by contacting the Regional Office or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ evaluates all complaints received. If the site is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 129: General - Commission Staff
Lucia Dailey and CAPE stated that commission staff are underfunded, understaffed, and overworked.

RESPONSE 129: The standard permit has been thoroughly reviewed by agency staff, including staff from the Air Permits Division, Toxicology, Office of Compliance and Enforcement, and Office of Legal Services.

Additionally, the commission included non-substantive corrections to typographical errors or formatting changes necessary for this standard permit.

IX. Statutory Authority

This standard permit is issued under Texas Health and Safety Code (THSC), § 382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC § 382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA, THSC § 382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits, including standard permits for similar facilities for numerous similar sources; THSC § 382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA; and THSC § 382.05195, Standard Permit, which authorizes the commission to issue standard permits according to the procedures set out in that section.