



# **Find It and Fix It Permian Basin Oil & Gas**

**Kristi Mills-Jurach, P.E.**

**Program Support and Environmental Assistance Division**



# Permian Basin Emissions Events

- Increases each year in number of emissions events reported and total quantity of emissions, primarily related to Permian Basin Oil & Gas
- Identified inconsistencies in how some emissions events were reported/reviewed
- Provided additional guidance and webinars for impacted companies
  - Oil & Gas Emissions Events – November 5, 2020
  - Air Permitting Operations – November 12, 2020
  - Audit Act and Permian Basin Find It and Fix It – November 17, 2020
- Needed to create a “path to compliance” while evaluating emissions event reporting

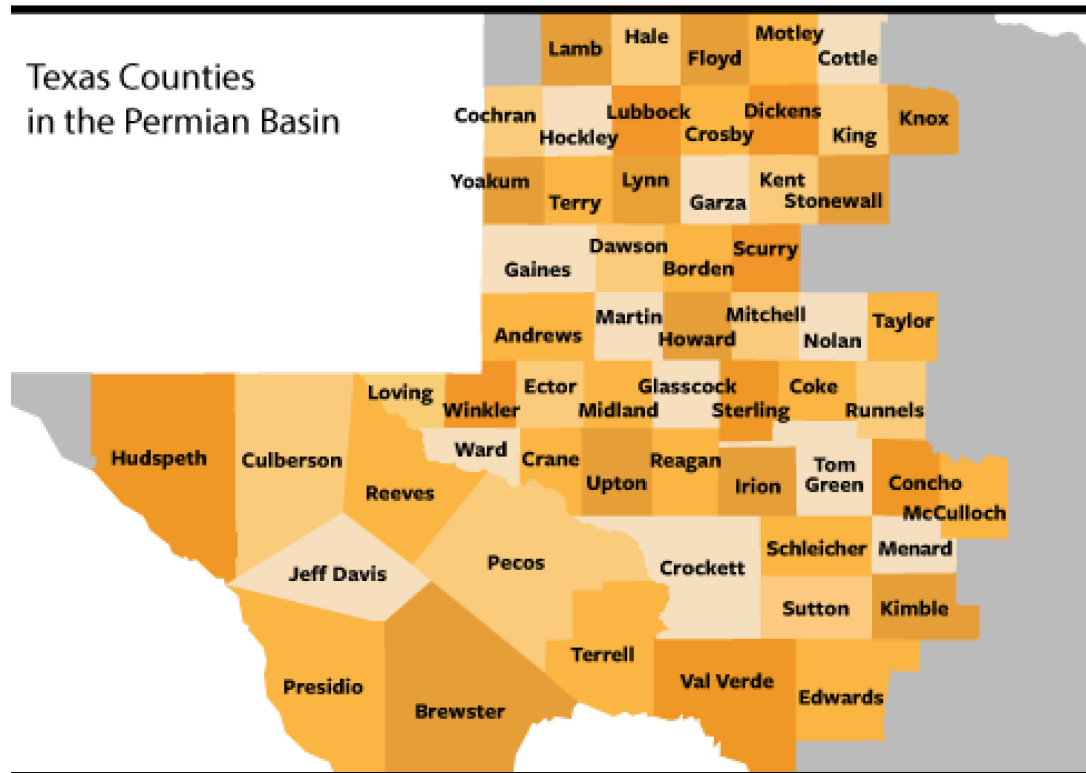


# “Find It and Fix It”

- Voluntary program to address potential noncompliances
- Regulated entities that participate and successfully complete F&F program may be eligible for enforcement discretion
- Regulated entity:
  - Indicates participation in program
  - Self-identifies areas of concerns
  - Develops compliance plan
  - Implements necessary actions to achieve compliance



# Who can participate?



## Oil and Gas Facilities in Permian Basin

- Permian Basin – 61 counties
- NAICS Subsector 211: Oil and Gas Extraction:
  - 211111: Crude Petroleum and Natural Gas Extraction
  - 211112: Natural Gas Liquid Extraction



# Enforcement Discretion

- Applies to state statutes/rules only (does not extend to federal rules)
- TCEQ reserves the right to deny enforcement discretion for violations that adversely impact human health and the environment
- Failure to comply with all requirements of “Find It and Fix It” may result in loss of enforcement discretion



# Participation Requirements



# Participation Requirements Continued



Submit **notification** of intention to participate



Develop and submit **compliance plan** within 30 days of initial notification



Complete all actions and return to compliance within 6 months of initial notification; submit **completion report**



If actions will take longer than 6 months to complete, enter into **Compliance Agreement** with Enforcement Division



# Permian Basin Find It and Fix It Participation Form

Fill out and submit this form to notify TCEQ that you want to participate in the Find It and Fix It program. You have 30 days after submitting your notification to submit a proposed compliance plan.

This program is only available to facilities who can complete their compliance plan (CP) within 180 days of the date you submit your plan. If your facility cannot achieve compliance with the emissions events rules within this timeframe, please notify our staff at [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov) and do not submit this form.

Participation in this initiative does not exempt your facility from any other applicable rules, reporting, notification, record keeping, or permit conditions. Emissions events that occur during participation with the program must be reported to TCEQ in accordance with state and federal rules. TCEQ retains enforcement authority and will consider enforcement if program requirements are not met.

Non-confidential participant information may be posted online.

...

\* Required

## 1. Customer Number \*

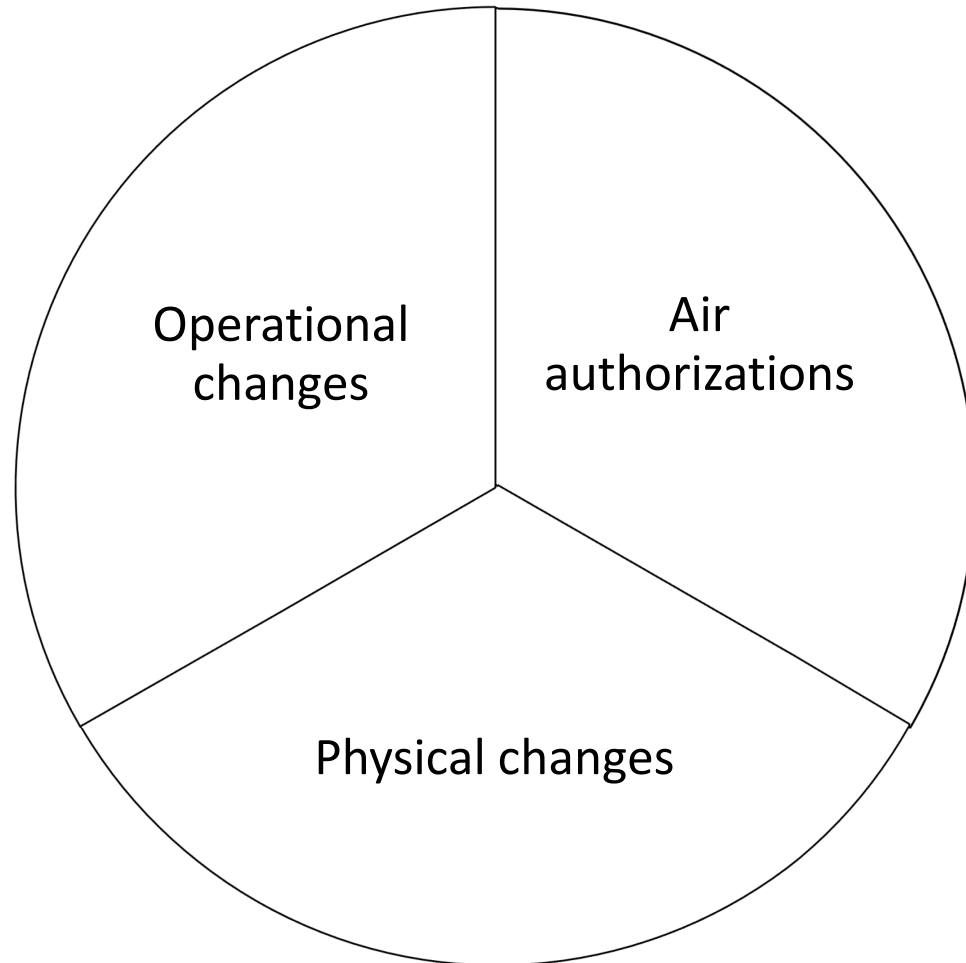
*Should be CN followed by 9 numbers. If you do not have one, put N/A.*







# Compliance Plan



Compliance plan  
may use any  
combination of these



# Compliance Plan (CP) Submission Form



Fill out and submit the form to notify TCEQ of your compliance plan (CP). If you have more than 10 facilities to submit, fill out our CP spreadsheet and email it to [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov) before completing this form. You have 180 days after the date you submitted your notification form to complete your CP.

This program is only available to facilities who can complete their CP within 180 days of the date you submit the notification form. If your facility cannot achieve compliance with the emissions events rules within this timeframe, please notify our staff at [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov) and do not submit this form.

Participation in this initiative does not exempt your facility from any other applicable rules, reporting, notification, record keeping, or permit conditions. Emissions events that occur during participation with the program must be reported to TCEQ in accordance with state and federal rules. TCEQ reserves the right to withdraw from the participation agreement.

In accordance with Texas Health and Safety Code 382.041(a), any information that the company intends to designate as confidential should be clearly marked.

...

\* Required

## Customer Information

1. Customer Number (CN) \*

*Should be CN followed by 9 numbers. If you do not have one, put N/A.*



# Compliance Plan Submittal

- Submit through [web form](#)
- One form per customer number
- May be multiple regulated entity numbers (sites) and multiple emissions points per form if all sites are within Permian Basin
- Facilities do not need a regulated entity number to participate
- For multiple sites or emissions point, may submit plan details using spreadsheet (emailed to [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov))
- Form must be submitted, even if plan details sent separately



# Need more time to submit your plan?



The compliance plan is due within 30 days of submittal of notification form



An extension of up to 30 additional days may be granted; send request to [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov)



All requests will receive response documenting the new compliance plan due date



# Need more time to complete your plan?



If all plan activities will take longer than 6 months to complete, enter into **Compliance Agreement**



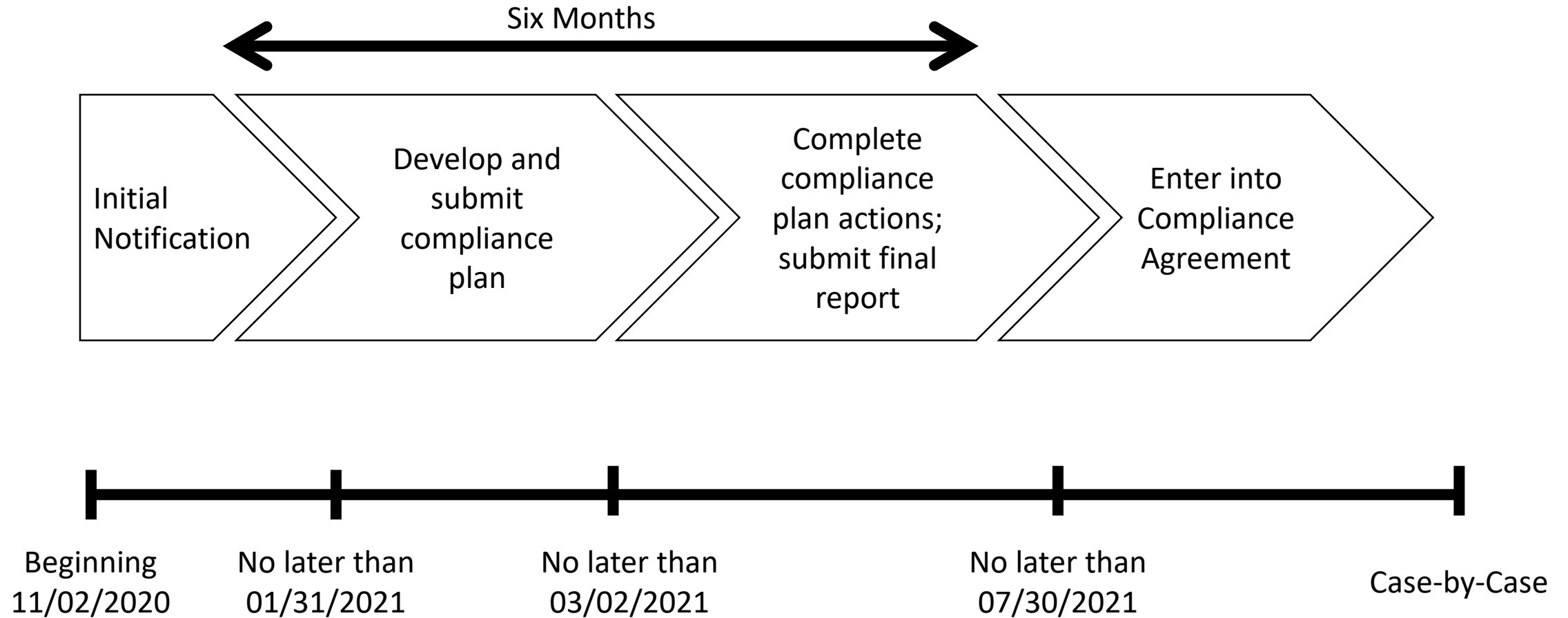
Compliance agreements establish deadlines for corrective actions but do not assess penalties.



Email [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov) to discuss specific details for your plan



# Process Timeframes





# Examples Timeframes

	<b>Scenario 1: Typical</b>	<b>Scenario 2: Extension</b>	<b>Scenario 3: Compliance Agreement</b>
Submit initial notification	12/08/2020	12/08/2020	12/08/2020
Submit compliance plan	01/07/2021	<del>01/07/2021</del> 02/06/2021	01/07/2021
Submit final report	06/06/2021	06/06/2021	Per Compliance Agreement



# Notification of Potentially Routine Events





# Notification of Potentially Routine Events Continued

- TCEQ identified 163 STEERS reports from 9/1/2019 to present that may be routine events
- TCEQ emailed the 98 Regulated Entities who submitted these reports
- Regulated Entities were requested to review these events by 12/1/2020 to determine if they were emissions events or routine events
- Email included link to an Emissions Event decision tree
  - If emissions event, requested additional supporting information be submitted
  - If routine event, directed to sign-up page for Find It and Fix It



# Emissions Event Decision Tree

- Tool to help determine if routine or upset
- Currently available only to companies who received emails
- After 2/1/21 will be updated and made available to all externally



## Emissions Event Decision Tree

This form has been designed for use by those entities who received an email from the TCEQ regarding a specific emissions event reported in STEERS. If you received an email, you may use this decision tree to help you determine if the incident you reported meets the definition of an emissions event. Complete one form for each event.

### Definitions:

**Emissions Event:** Any upset event or unscheduled maintenance, startup, or shutdown activity, from a common cause that results in unauthorized emissions of air contaminants from one or more emissions points at a regulated entity.

30 TAC 101.1(28) ([www.tceq.texas.gov/assets/public/legal/rules/rules/pdfiib/101a.pdf](http://www.tceq.texas.gov/assets/public/legal/rules/rules/pdfiib/101a.pdf))

**Upset Event:** An unplanned and unavoidable breakdown or excursion of a process or operation that results in unauthorized emissions. A maintenance, startup, or shutdown activity that was reported under §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements), but had emissions that exceeded the reported amount by more than a reportable quantity due to an unplanned and unavoidable breakdown or excursion of a process or operation is an upset event.

30 TAC 101.1(110) ([www.tceq.texas.gov/assets/public/legal/rules/rules/pdfiib/101a.pdf](http://www.tceq.texas.gov/assets/public/legal/rules/rules/pdfiib/101a.pdf))



# I received an email, what next?

Determine if event was an EE or routine event (decision tree available)

If emissions event, submit additional information to  
[PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov)

If routine event, consider Find It and Fix It program



# Frequently Asked Questions



# What is the difference between “Find It and Fix It” and Texas Environmental Health and Safety Audit Privilege Act (Audit Act)?

Both may result in TCEQ exercise of enforcement discretion for self-reported and timely corrected violations

To receive immunity, Audit Act requires advanced notification for some audits. "Find It and Fix It" requires notification prior to participation

To receive immunity, Audit Act requires an audit and disclosure of violations

Under the Audit Act, immunity is not available if TCEQ initiated an investigation of the violation or independently detected it.

Audit Act may be used for all counties and for all sectors



# Is “Find It and Fix It” participation confidential?

Participation in the program is not confidential; information on companies will be posted on external website

Companies may include confidential information with their compliance plans (must be marked confidential)

Documentation is subject to the Public Information Act



# What if there are delays with our compliance plan actions?

Notify TCEQ as soon as you are aware of delays  
(PermianEE@tceq.texas.gov)

In email, describe cause of delays and proposed revised schedule

May require a Compliance Agreement to maintain enforcement discretion



# Resources

- [“Find It and Fix It” Webpage](https://www.tceq.texas.gov/assistance/industry/oil-and-gas/perman-find-and-fix-initiative)  
<https://www.tceq.texas.gov/assistance/industry/oil-and-gas/perman-find-and-fix-initiative>
- Email [PermianEE@tceq.texas.gov](mailto:PermianEE@tceq.texas.gov)
- Workshop on **“The Audit Act and Permian Basin Find It and Fix It Initiative”** (November 17, 2020) –
- Recordings and presentations for all webinars will be posted
  - <https://www.tceq.texas.gov/assistance/industry/oil-and-gas/oil-gas-online-workshops>





# Questions?

Kristi Mills-Jurach, P.E.

[kristi.mills-jurach@tceq.texas.gov](mailto:kristi.mills-jurach@tceq.texas.gov)

(512) 239-1261

Keith Sheedy, P.E.

[keith.sheedy@tceq.texas.gov](mailto:keith.sheedy@tceq.texas.gov)

(512) 239-1556

