

Maintenance, Startup, and Shutdown (MSS) Emissions

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September 27th, 2010



What is MSS?

Soon to be out-of-date, but is the definition currently 'on the books'.

- §101.1(90) Scheduled Maintenance, Startup, and Shutdown
 - Activity is scheduled;
 - Prior notice to TCEQ if expected to exceed an RQ;
 - Emissions are unauthorized; and
 - Final report to TCEQ required if emissions do exceed an RQ.

This rule addresses the *current* handling of MSS and defines the call in schedule.

- §101.222(h) Planned Maintenance, Startup, or Shutdown activity
 - Not unplanned;
 - Complies with 101.211 (Scheduled MSS Reporting and Recordkeeping);
 - Can claim Affirmative Defense if:
 - Required criteria (101.222(c)(1)-(9)) are demonstrated (minimize emissions, not a recurring pattern, not preventable through good engineering, etc) and
 - Meets the published 'Call-In' schedule.

The 'Call-In' Schedule

January 5th of the identified year:

- 2007 – Petroleum Refining
- 2008 – Chemicals and Allied Products
- 2010 – Carbon Black *Already submitted*
- 2011 – Electric Services *In progress*
- 2012 – Crude Petroleum and Natural Gas
- 2013 – all other facilities

'Called-in' for what?

- After the call in date, facilities with MSS emissions will not be able to claim 'Affirmative Defense'
- Affirmative Defense – *Without denying the charge, the defendant raises extenuating or mitigating circumstances such as insanity, **necessity**, or coercion to avoid civil or criminal responsibility.*
- NOVs are currently not issued for emissions during maintenance, startup, and shutdown that can claim affirmative defense.
- After the call in date, facility must:
 - Have filed an application to authorize MSS; and/or
 - Already have authorize MSS emissions

Authorizing MSS Emissions

- Some activities are considered De Minimis (30 TAC 116.119);
- Authorization via PBR;
 - May already be authorized as part of a PBR or SE (these are identified in 106.263(b)(6));
 - 106.263 is the 'MSS PBR' for specified activities.
- Specific PBRs may already essentially be for MSS (i.e. 106.452 Dry Abrasive Cleaning);
- Some MSS emissions may require a permit or permit amendment.

Examples of MSS

- Fabric Filter maintenance;
- Material handling system maintenance;
- Welding;
- Abrasive Blasting;
- Engine Maintenance (emergency or regular use);
- Painting;
- Combustion unit startup/shutdown;
- Tank inspections;
- Parts cleaning;
- Lubrication and oil;
- Vacuum trucks;
- Rebuild/repair kiln brick.

Getting in Compliance

1. Identify MSS activities that produce emissions;
2. Quantify emissions:
 - One-time worst-case emissions for low emission rate activities;
 - Calculations with identified parameters for more significant sources;
 - Review CEMs or other monitoring data for some sources.
3. Determine how the activity can be authorized;
 - De minimis;
 - PBR;
 - Permit.
4. Document/prepare authorizations by 'Call-In' date.
 - Document de minimis;
 - Register or document PBRs;
 - Prepare and file permit/permit amendment.

Potential Issues

- PSD/Nonattainment – emissions are currently considered ‘new’, which could trigger major modification;
- BACT – Activities may be subject to control requirements above and beyond what is currently done.
- Public Notice – May be required if there are new contaminants or emission increases above public notice thresholds.
- Recordkeeping/tracking – The MSS authorizations may require extensive amounts of new recordkeeping.
- Modeling – Modeling may be required. ESLs and NAAQS still apply, although a different set of criteria apply for ESLs than for normal operations.
- New Standards – MSS modeling may trigger site-wide modeling, which may trigger compliance demonstrations for the new NO_x and SO₂ standards.

MSS in the Future

- Rule making is expected to occur within the next year (possibly as early as March 2011);
- Will likely require MSS incorporation into permits earlier than call-in date if they are amended or renewed;
- PBR 106.263 may change (or even be repealed) in the future;
- PBRs/Standard Permits may start incorporating MSS in the future.

NESHAP ZZZZ

Initial Notifications (were) due on August 31st

	Initial Notification Required - Compression Ignition							
	Area Source of HAPs				Major Source of HAPs			
	Emergency		Non-emergency		Emergency		Non-Emergency	
	Existing	New	Existing	New	Existing	New	Existing	New
<= 100 hp (CI)	No	No ¹	No	No ^{1,2}	No	No ¹	No	No ^{1,2}
100 <hp <=300 hp (CI)			Yes				Yes	
300 <hp <=500 hp (CI)			Yes	Yes				
> 500 hp (CI)			Yes	Yes				

1. Notifications requirements refer to NSPS IIII
2. Engines >3,000 hp or non-certified engines >175 hp may have notification requirements in NSPS IIII.
3. New engines are engines built or reconstructed after 6/12/2006.

Thank you!

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