

TCEQ PROPOSES GUIDANCE ON FLOATING ROOF TANK EMISSIONS

The Texas Commission on Environmental Quality (“TCEQ”) is accepting comments on a draft guidance document that addresses air quality emissions and regulatory compliance for storage tanks using floating roofs. The guidance focuses specifically on the requirements applicable to the tank when the floating roof is “landed” – that is when the liquid level in the tank is low enough that the floating roof is resting on the support legs and not on the surface of the liquid in the tank. When the floating roof is landed, emissions greatly increase as the roof and its seals are no longer as effective in controlling emissions.

The proposed guidance is significant in that it sets forth the TCEQ’s position regarding whether a tank with a landed roof is in compliance with air quality requirements. The proposed guidance states that “with few exceptions, floating roof landings and the associated air emissions were not considered in permit review, represented in permit applications, nor considered in the development of permits by rule . . .” Therefore, with few exceptions, TCEQ will consider the emissions during a roof landing to be unauthorized.

Under the proposed guidance, unless and until the owner of a tank obtains authorization for emissions during a tank roof landing via a permit or permit by rule, the owner will be exposed to penalties unless it can successfully utilize the TCEQ’s rules for reporting unauthorized emissions attributable to maintenance, startups, shutdowns, or malfunctions and qualify for the affirmative defense for such situations (see *TCEQ Rules in Chapter 101,*

Subchapter F). The proposed guidance describes actions the TCEQ maintains must be undertaken during a tank roof landing to qualify for the affirmative defense and describes the available alternatives for obtaining authorization.

The proposed guidance identifies three actions TCEQ expects from owners of tanks with the potential for tank roof landing emissions. First, if applicable, submit a revised emission inventory to reflect tank roof landing emissions. Second, determine whether your tank roof landing emissions are authorized, and, if they are not, utilize the notification and affirmative defense rules until authorization is obtained. Third, if you have a Title V federal operating permit, ensure that unauthorized tank roof emissions are reported as deviations.

TCEQ is accepting public comments on the proposed guidance until October 24, 2006. The complete proposed guidance is attached to the email transmitting this alert. Comments are to be submitted to Kurt Kind of the TCEQ at kkind@tceq.state.tx.us by 5:00 p.m. on October 24.

If you have any questions or would like to provide comments, please contact:

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