

INSIGHTS

Texas Greenhouse Gas Regulations Go Into Effect

April 22, 2014

By: [Timothy A. Wilkins](#)



On April 17, the Texas Commission on Environmental Quality's new greenhouse gas (GHG) regulations became effective, establishing the framework for a new GHG permitting program at TCEQ, which the agency hopes to begin implementing in the summer of 2014. Before this can happen, EPA must officially approve the rules and also rescind the Federal Implementation Plan under which it currently regulates GHGs in Texas. The rules have immediate implications for a variety of facilities, however. Whereas the changes to the PSD program only involve new or modified facilities, the Title V aspects of the rules affect both new and existing facilities. Any existing facility with a "potential to emit" GHGs above EPA's "major source" thresholds will have to either obtain a Title V permit or certify to TCEQ that its actual emissions are below the thresholds (found in 30 Tex. Admin. Code § 122.10(14)(H)). The timing of this certification depends on whether the facility currently has a Title V permit for non-GHG emissions. If a facility already has a Title V permit, it can address GHGs during its next permit revision or renewal. At that time, it must either certify to TCEQ that it is not a major source of GHGs or incorporate GHG issues into its Title V permit. Certain facilities which have not previously needed Title V permits, however, may become subject to Title V for the first time based solely on their GHG emissions if their "potential to emit" GHGs exceeds the major source threshold. These facilities will have **12 months** from the date of EPA's final action on the Texas rules to certify that their actual GHG emissions are below the threshold. Otherwise, any facility deemed to be a major source based on its PTE must obtain a Title V permit. TCEQ anticipates that a number of Texas oil-and-gas facilities may fall in this category. The agency added this 12-month grace period in the final rules to provide some flexibility for these sources. Finally, any new or modified facilities, in addition to considering PSD requirements, are also potentially subject to Title V if their PTE after beginning operation will exceed major source levels. Prior to beginning operation, these facilities will need to submit either a certification or a Title V application to TCEQ. As a result of these changes, assessment and documentation of GHG emissions will be key. Any facility with a PTE near the major source threshold would be wise to ensure it is tracking and documenting emissions to support its certification or permit application. Photo credit: [tomis b / Foter / Creative Commons Attribution-NonCommercial-ShareAlike 2.0 Generic \(CC BY-NC-SA 2.0\)](#)