

Stephanie Bergeron Perdue

See attached filing.

January 16, 2024

Ms. Gwen Rico  
Office of Legal Services, MC 205  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Stephanie Bergeron Perdue  
TEL: 512.322.2544  
FAX: 512.322.3644  
stephanie.bergeron.perdue@bakerbotts.com

Re: Rule Project Number 2023-117-117-AI

Dear Ms. Rico:

The Texas Industry Project (“TIP”) appreciates the opportunity to submit these comments in support of the Texas Commission on Environmental Quality (“TCEQ”) proposed rulemaking to amend 30 Texas Administrative Code Chapter 117, *Control of Air Pollution from Nitrogen Compounds* (“Proposed Rulemaking”). TIP is comprised of 58 companies across different industries, including oil and gas refining, midstream, and upstream companies with operations in Texas.

More specifically, the Proposed Rulemaking includes revisions that address TIP’s March 13, 2023 Petition for Rulemaking, which highlighted that Tier 4 engines are not manufactured with pre-installed continuous emissions monitoring systems (“CEMS”) because they are designed and manufactured with tamper-resistant controls to meet federal nitrogen oxides (“NOx”) emission limits as set forth in 40 Code of Federal Regulations Part 1039, Subpart B. Tier 4 engines are certified by manufacturers and rely on selective catalytic reduction (“SCR”) systems which use a chemical reagent, such as ammonia, to meet federal standards. The same tamper-resistant design also ensures that ammonia emissions associated with SCR systems are controlled. The Proposed Rulemaking thus appropriately exempts Tier 4 engines from NOx and ammonia monitoring requirements under Chapter 117 based on meeting certain criteria. Furthermore, current ammonia emissions standards for units that inject urea or ammonia into the exhaust stream for NOx control are not appropriate for diesel engines that operate at significantly higher excess air in the exhaust stream. Accordingly, the Proposed Rulemaking also properly adjusts the applicable ammonia emission limit to be consistent with other equipment with higher oxygen operation levels in exhaust gas.

If finalized, the Proposed Rulemaking would align state rules with the federal Tier 4 engine standards, which preclude tampering or alteration, and therefore, as noted in the agency’s preamble, provide reasonable assurance of compliance with the applicable NOx and ammonia specifications. For these reasons, TIP supports TCEQ’s final adoption of the Proposed Rulemaking relating to stationary diesel engines. We appreciate your consideration of these comments. If you have any questions, please do not hesitate to reach out.

Respectfully,



Stephanie Bergeron Perdue