

April 1, 2009

Ms. Lindley Anderson
Air Quality Division, MC-206
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Anderson,

Enclosed are the comments of the Houston Regional Group and Lone Star Chapter of the Sierra Club (Sierra Club) regarding the Flare Task Force Stakeholder Group Meeting that was held in Houston, Texas on March 30, 2009.

The Sierra Club supports TCEQ's efforts to determine whether flares should be regulated further to reduce air emissions. It has long been a Sierra Club contention that flares are greater sources of air emissions than reported and need additional regulation. The Sierra Club has the following comments about flares:

1) The Sierra Club strongly encourages the TCEQ to not prejudge whether a flare recovery and minimization plan should be required for all flares or a certain segment of the flare population. The Sierra Club does not believe because there are a great number of flares that this fact should keep TCEQ from requiring such a plan.

As we stated at the March 30, 2009 public meeting, TCEQ can prepare a rule in a manner that requires staggered submittal of flare recovery and minimization plans so the work load is acceptable. Since the Houston-Galveston-Brazoria Ozone Non-Attainment Area is so badly out-of-compliance no obvious source of ozone precursors should be taken off the table simply because there are many such sources. In fact the large number of sources argues for regulation because emission reductions could be potentially large.

While it is good to have industry agree voluntarily with a regulation that TCEQ wants to implement regarding a flare recovery and minimization plan industry's approval should not be allowed to delay any needed regulation of flares via these plans. The Sierra Club's experience is that industry will delay and fight regulations and that TCEQ must take a firm stance and implement regulations. It is the public's health is at risk and protection of the public's health must take precedence over industry's liking for a particular regulation or plan. After all

people get sick and die from air pollution the longer that we allow industry to delay needed air pollution reductions.

2) The Sierra Club urges TCEQ to pay particular attention to the trade-off between any increase in visible emissions versus the reduction of volatile organic compound (VOC) emissions when considering flare controls and operation. The Houston area is almost in non-attainment for particulate matter and any allowance for more particulate matter from flares (visible emissions) could cause particulate matter non-attainment problems for our area and health problems for our citizens.

3) The Sierra Club supports the use of infrared cameras and DIAL (differential absorption Lidar) as monitoring methods that can be used for compliance and enforcement and emissions inventory purposes. The best monitoring of flares, both by a company and by the TCEQ, should be required so that excess air emissions can be discovered and eliminated or reduced.

4) The Sierra Club is particularly interested in alternatives to flares. While actual emergencies may call for a flare, routine use of other flares as control devices, in our view, is fraught with problems because TCEQ cannot easily tell if the destruction efficiency of 98-99% is actually being achieved. Without some type of real time monitoring that can conclusively show such destruction efficiency success and due to the large amount of air emissions produced with less efficient destruction efficiencies it makes sense to eliminate routine flaring of waste products as either best available control technology, lowest achievable emissions rate, or best management practices. As much as possible chemicals sent to a flare should be recovered and recycled back into the process. This reduces air emissions, increases product efficiency, and saves money.

5) The Sierra Club urges TCEQ to ensure that all flares for oil/gas fields have been included in its flare population. The Sierra Club has seen a number of these flares out in-the-field and we are concerned that they are isolated sources and if not operated properly can become area sources of VOC that are not easily noticed or considered for enforcement and compliance work.

6) Because so many things affect proper flare operation, including crosswinds, high winds, variable gas stream composition, BTU value of the gas stream, excessive assist gas, improper air or steam assist, appropriate maintenance, high turndown ratios, etc., if flares are to be used then specific requirements for their use may be needed. If such requirements are too onerous in a particular application then perhaps a flare should not be allowed in that instance.

7) The Sierra Club supports research and testing of flares to gain additional information but does not want such actions to overtly delay additional regulation of flares.

8) Finally, any information collected about flares, during monitoring, testing, or research should be made available to the public. After all the public's health is threatened by air pollution and the public has a right to know where and what emissions, that could harm them, are emitted.

The Sierra Club appreciates this opportunity to comment. Thank you.

Sincerely,

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