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MIRATECH Corporation Emissions Monitor *September 2009*



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EPA proposes to re-classify four California Ozone Areas

On 21 August 2009 the U.S. Environmental Protection Agency [announced](#) it is proposing to grant the state of California's request to reclassify four areas due to the 1997 8-hour ozone air quality standard:

- The San Joaquin Valley area from serious to extreme
- The South Coast area from severe to extreme
- Coachella Valley and Sacramento Metro areas from serious to severe.



If finalized, the reclassifications will require the state to incorporate more stringent requirements, such as lower permitting thresholds and implementing reasonably available control technologies at more sources. The public is encouraged to comment during a 30-day comment period that will be identified once the proposed rule is published in the Federal Register. A copy of the proposed rulemaking is available on the EPA Pacific Southwest region's [Web site](#).

Texas Proposes Amendment to De Minimis Standards

On 17 July 2009 the Texas Commission on Environmental Quality (TCEQ) [announced](#) it was requesting public comments concerning a proposed amendment to its [list](#) of De Minimis Facilities or Sources. TCEQ is proposing to amend the list by adding the following:

- "Application of argon, ethane, helium, hydrogen, methane, neon, nitrogen, and propane for testing, purging, and leak checking of



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equipment."

TCEQ is also proposing to clarify the list by making several administrative revisions including renaming the Domestic category, removing the duplicate listing of comfort heating and cooling facilities, and clarifying aerosol propellant usage.

TCEQ has evaluated the potential impacts of the proposed de minimis facilities or sources from previous case-by-case reviews and determined that the emissions from those inert gases pose little risk to human health or the environment and there would be no impact to public health or the environment by adding these activities to the list. If added to its list TCEQ says those facilities or sources will no longer be required to obtain TCEQ authorization prior to construction.

To inquire about the review of this de minimis request contact TCEQ at 512-239-1635.

Multidisciplinary Team to Evaluate Deferred Utah Leases

On 17 July 2009 the US Bureau of Land Management [announced](#) a multidisciplinary team would begin conducting an on-the-ground review of 77 leases auctioned by President George W. Bush's administration for energy development near wilderness areas and national parks in southeastern Utah. Secretary of the Interior Ken Salazar promised a "fresh look" after he rescinded the leases in February.



Salazar rescinded the leases in response to recommendations spelled out in a [report](#) issued by the Department of the Interior that stated "The lease sale that BLM's Utah office conducted in the Fall of 2008 deviated in important respects from the normal leasing process." David Hayes, Deputy Secretary of the Interior has [indicated](#) 30 of the 77 sites may prove suitable for sale again because they are near operating natural gas wells.

The review team is composed of employees with broad areas of expertise from the BLM, National Park Service, and USDA Forest Service. None of the team members was involved in any previous decision-making regarding the parcels.

The team is tasked with producing recommendations on whether the deferred parcels should be reoffered to the original bidders under the same conditions, reoffered under different terms, or be withdrawn from leasing. The team also is reviewing protests lodged against each of the parcels during the protest period for the December oil and gas lease sale and will address those protests in its final recommendations. The team's findings are expected by late September 2009.

Waxman-Markey Climate Change Cap-and-Trade Update

On 26 June 2009 the US House of Representatives, by a vote of 219 to 212, approved HR 2454 - [The American Clean Energy and Security Act](#) (ACES). The bill aims to cut greenhouse-gas (GHG) emissions to 17% below 2005 levels by

2020. By mid-century it cuts emissions to 80% below 2005 levels.

Co-sponsored by Energy and Commerce Committee Chairman Henry A. Waxman (D-Calif.) and Edward J. Markey (D-Mass.), who chairs the committee's Energy and Environment Subcommittee, the bill is now simply called Waxman-Markey and is best known for its [Cap-and-Trade](#) feature. The United States Senate will begin debate on its version of Waxman-Markey when Congress returns from its August recess.



In Cap-and-Trade, the "cap" is a legal limit on the quantity of GHG's a region can emit each year and the "trade" means that companies may swap among themselves the permission - or permits - to emit GHGs. In effect, the purchaser of emissions credits pays a cost for its GHG emissions, while the seller is rewarded for having reduced emissions. In a perfect Cap-and-Trade structure, the system for swapping emission permits is done where all permits are allocated by public auction and all proceeds of auctions are re-invested in communities. Auctioning protects against market manipulation.

After negotiations in the US House, Waxman-Markey initially auctions about 15 percent of permits, with the percentage rising to about 70 percent by 2030. Waxman-Markey's free permits are given out with the provision that recipients must use proceeds from the sale of free permits to benefit consumers through rebates and other public programs. The bill initially gives 7 percent of permits to coal and oil companies, but phases out these free permits by 2030.

As reported 7 August 2009 in the NY Times, the US Senate's Environment and Public Works (EPW) Committee and the Finance Committee will likely [control](#) a critical portion of the Senate bill that determines distribution of what will be hundreds of billions of dollars in emission allowances. EPW is chaired by Barbara Boxer (D-Calif) and Finance is chaired by Max Baucus (D-Mont). Boxer's draft bill is expected in mid-September. Baucus' draft bill will likely be later as his committee is now in the middle of the health care reform debate.

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