

Texas Commission on Environmental Quality


INTEROFFICE MEMORANDUM

To: All Regional Directors **Date:** December 17, 2009

Thru: Ramiro Garcia, Area Director
Border and South Central Texas

Randy J. Ammons, Area Director
North Central and West Texas

Donna Phillips, Area Director
Coastal and East Texas

From:  John Sadlier, Deputy Director
Office of Compliance and Enforcement

Subject: Complaint and Investigation Procedures for the Area of the
Barnett Shale

Due to unique circumstances involving oil and gas activities in the area of the Barnett Shale, the following procedures are to be implemented immediately in the Dallas/Fort Worth Regional Office until further notice. Staff will follow Field Operations Standard Operating Procedures (SOPs) for all activities with the exceptions noted below.

Complaints

All complaints received regarding oil and gas activities in the Barnett Shale will be given an "Immediate Response" priority. An on-site investigation will be conducted by the Dallas/Fort Worth Region staff within 12 hours of receipt of the complaint by the regional office.

Staff will discuss citizen collected evidence with the complainant and offer them the opportunity to sign an affidavit in accordance with existing SOPs. Staff will provide the complainant information during the investigation including a FIDO chart, a blank odor log and a template affidavit.

Investigations

In addition to standard investigation and safety equipment, staff will utilize the appropriate equipment during these investigations including:

- GasFind IR Camera
- RAE Equipment
- Summa Canister
- Jerome

This equipment will be used as appropriate for site and weather conditions encountered by staff.

At the site, staff will document the type of facility, number and types of equipment present at the site (e.g. two condensate tanks, one dehydration unit, etc.) and whether or not the facility is in operation.

Staff will follow standard investigation procedures for conducting odor-related complaints including the use of the FIDO protocol to confirm or repudiate the allegation. Staff will collect ambient weather conditions from an appropriate source.

Staff that has been properly trained to use the GasFind IR Camera will image the site to identify potential source(s) of hydrocarbon leaks and any abnormal operating conditions (e.g. open thief hatch, valve venting to atmosphere showing excessive emissions, etc.).

If emissions uncharacteristic of normal operating conditions are documented utilizing the GasFind IR Camera, off-site ambient air readings will be taken utilizing the RAE equipment **upwind and downwind** from the suspected source. A combination of GasFind IR images and readings from hand-held monitoring devices will be used to determine whether or not to collect a sample using a summa canister. Generally, if a survey instrument shows readings of 5 ppm total volatile organic compounds or greater, a summa canister sample should be obtained. In some instances, the GasFind IR images alone may warrant the collection of a sample using a summa canister. Please be advised that nothing precludes the investigator from obtaining a summa canister sample if, in his or her judgment, the situation warrants.

When high readings are documented, staff will immediately make every effort to contact the owner/operator of the equipment and make them aware of the agency findings and request that the company take immediate corrective action. Staff will inform the company representative that they will be receiving the GasFind IR image, monitoring data and the oil and gas questionnaire via email within 12 hours. Staff will document who was called, the date, time and information conveyed. Upon returning to the office, staff will email the information to the company representative. The company will be given two days to respond to the request including cause of the emissions and corrective actions taken to resolve the situation.

If staff documents any unsafe or hazardous conditions (including imminent and substantial endangerment to human health), they will immediately contact the company and request immediate corrective action. Staff will follow Emergency Response SOPs and remain on site until the emergency is abated as appropriate.

Follow Up Investigations

Data gathered during these investigations will be processed according to agency investigative protocols and shared with the appropriate agency divisions such as the Chief Engineer's Office for follow up.