



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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New Air Regulations

EPA Approves Texas SIP for Pb

Under the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submission from the State of Texas for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2008 Pb NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State's SIP is adequate to meet the state's responsibilities under the CAA, including the four CAA requirements for interstate transport of Pb emissions. For additional information, contact Tracie Donaldson, 214-665-6633, donaldson.tracie@epa.gov.

Status of DFW 8-Hour Ozone Motor Vehicle Emission Budgets for Transportation

EPA is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) in the Dallas-Fort Worth, Texas (DFW) Reasonable Further Progress (RFP) State Implementation Plan (SIP) revision, submitted on July 10, 2015 by the Texas Commission on Environmental Quality (TCEQ) are adequate for transportation conformity purposes. As a result of EPA's finding, the DFW area must use these budgets for future conformity determinations. The

essential information in this notice will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. You may also contact Mr. Jeffrey Riley, Air Planning Section (6PD-L), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-8542, Email address: Riley.Jeffrey@epa.gov.

EPA Amends Definition of VOC for t-butyl acetate.

The Environmental Protection Agency (EPA) is amending the EPA's regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). The regulatory definition of VOC currently excludes t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS Number: 540-88-5) for purposes of VOC emissions limitations or VOC content requirements on the basis that it makes a negligible contribution to tropospheric ozone formation. However, the current definition includes TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC. This final action removes the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC as a VOC. For further information, contact Ms. Souad Benromdhane at (919) 541-4359; or benromdhane.souad@epa.gov.



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EPA Partially Approves Texas and Oklahoma; Regional Haze SIP

The Environmental Protection Agency (EPA) is partially approving and partially disapproving a revision to the Texas State Implementation Plan (SIP) submitted on March 31, 2009, to address the regional haze requirements of the Clean Air Act (CAA). The EPA is partially approving this SIP revision as meeting certain requirements of the regional haze program, including the Best Available Retrofit Technology (BART) requirements for facilities other than Electric Generating Units (EGUs). The EPA is partially disapproving the Texas SIP revision for not adequately addressing other requirements of the regional haze program related to reasonable progress, the long-term strategy, and the calculation of natural visibility conditions. The EPA is promulgating a Federal Implementation Plan (FIP), which includes sulfur dioxide (SO₂) emission limits for fifteen EGUs located at eight coal-fired power plants, to address these deficiencies.

In a previous rulemaking, the EPA had issued a limited disapproval of the Texas regional haze SIP with regard to Texas' reliance on the Clean Air Interstate Rule (CAIR), without promulgating a FIP. The EPA is not taking final action to address this deficiency at this time. The EPA is also disapproving portions of several separate infrastructure SIP revisions submitted by Texas for the purpose of addressing the requirements of the CAA regarding interference with other states' programs for visibility protection (interstate visibility transport) triggered by the issuance of the 1997 fine particulate matter (PM 2.5)

National Ambient Air Quality Standards (NAAQS), the 1997 ozone NAAQS, the 2006 PM 2.5 NAAQS, the 2008 ozone NAAQS, the 2010 Nitrogen Dioxide (NO₂) NAAQS, and the 2010 SO₂ NAAQS. The EPA is deferring action at this time on promulgating a FIP to address these deficiencies.

Finally, the EPA is finalizing its proposed partial disapproval of a revision to the Oklahoma SIP submitted on February 19, 2010, to address the regional haze requirements of the CAA. Specifically, the EPA is disapproving portions of the Oklahoma SIP related to reasonable progress and the establishment of reasonable progress goals for the Class I area located within the state. The EPA is promulgating a FIP to address these deficiencies.

The EPA takes seriously its disapproval of SIPs, or portions thereof, and stands ready to work with the States to develop SIPs that would replace the Federal plans the EPA is promulgating today. For further information, contact Joe Kordzi at 214-665-7186; or Kordzi.joe@epa.gov.

EPA Proposing to Disapprove Oklahoma SIP

The Environmental Protection Agency (EPA) is proposing to disapprove severable portions of the February 6, 2012 Oklahoma State Implementation Plan (SIP) submittal that are now inconsistent with federal laws due to intervening decisions by the United States Courts and EPA rulemaking. This submittal establishes Minor New Source Review permitting requirements for greenhouse gas (GHG) emissions and includes Prevention of Significant Deterioration (PSD) permitting provisions (*continued*)



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for sources that are classified as major, and, thus, required to obtain a PSD permit, based solely on their potential GHG emissions. The PSD permitting provisions also require a PSD permit for modifications of otherwise major sources because they increased only GHG above applicable levels. Additionally, we are proposing to disapprove severable portions of SIP submittals for the States of Arkansas, New Mexico, and Oklahoma addressing the EPA's July 20, 2011 rule deferring PSD requirements for carbon dioxide (CO₂) emissions from bioenergy and other biogenic sources ("Biomass Deferral"). We are proposing to disapprove the provisions adopting the Biomass Deferral because the deferral has expired, so the provisions are no longer consistent with federal laws. The EPA is proposing this disapproval under section 110 and part C of the Act. For additional information, please contact Ms. Adina Wiley, (214) 665-2115, wiley.adina@epa.gov.

EPA proposing Amendments to Green House Gas Reporting Rule.

The Environmental Protection Agency (EPA) is proposing to amend specific provisions in the Greenhouse Gas Reporting Rule to streamline and improve implementation of the rule, to improve the quality and consistency of the data collected under the rule, and to clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. This action also proposes confidentiality determinations for the reporting of certain data elements to the program. This action also proposes action in response to a petition to reconsider specific aspects of the Greenhouse Gas Reporting Rule. For

additional information, contact Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC-6207J), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343-9263; fax number: (202) 343-2342; email address: GHGReporting@epa.gov. Alternatively, you may contact the Greenhouse Gas Reporting Rule Helpline at: http://www.epa.gov/climatechange/emissions/ghgrule_contactus.htm.

EPA proposing Amendments to NESHAP Refinery MACT.

This action proposes amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Refinery MACT 1 and Refinery MACT 2 regulations and the New Source Performance Standards (NSPS) for petroleum refineries, which were published on December 1, 2015. In that action, as a result of a risk and technology review, the Environmental Protection Agency (EPA) finalized amendments to Refinery MACT 1 and Refinery MACT 2. In this action, the EPA is proposing to amend the compliance date in Refinery MACT 1 for maintenance vent standards that apply during periods of startup, shutdown, maintenance or inspection for sources constructed or reconstructed on or before June 30, 2014. In this action, the EPA is also proposing to revise the compliance dates in Refinery MACT 2 for the standards that apply during startup, shutdown, or hot standby for fluid catalytic cracking units (FCCU) and startup and shutdown for sulfur recovery units (SRU) constructed or *(continued)*



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reconstructed on or before June 30, 2014. These proposed revisions do not affect requirements that apply during normal operations. Finally, the EPA is proposing technical corrections and clarifications to the NESHAP and the NSPS for petroleum refineries. This action will have an insignificant effect on emissions reductions and costs. For further information, contact Ms. Brenda Shine, Sector Policies and Programs Division, Refining and Chemicals Group (E143-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, telephone number: (919) 541-3608; or email address: shine.brenda@epa.gov.

TCEQ Proposes Updates to Emissions Inventory Relating to Lead Emissions

This proposed rule update would lower the lead emissions reporting threshold to 0.5 tons per year for point source in §101.10 to align with reporting requirements in the AERR, in 40 CFR §51.100(s), change the §101.10 rule applicability distance for sites from the shoreline to nine nautical miles from 25 miles for consistency with other state regulations, and exclude certain organic compounds from regulation as a VOC in §101.1. Other proposed changes codify existing business processes and clarify the emissions inventory requirements. If adopted, the revised rules would be submitted to the EPA as revisions to the SIP.

A brief summary of what the rulemaking updates will do include:

- The proposal would align §101.1 with the federal definition of VOC in 40 CFR §51.100(s) by excluding certain organic compounds from regulation as a VOC.
- The proposed rulemaking would lower the lead emissions reporting threshold in §101.10 from 10 tpy to 0.5 tpy for point sources to align with reporting requirements in the AERR.
- The proposal would specify the reporting requirement for PM_{2.5} to be consistent with the AERR. Language in §101.10 already requires PM_{2.5} to be reported because "any other pollutant subject to the NAAQS" is stated.
- For consistency with Texas' legal offshore jurisdiction, the proposed rule revision in §101.10 would require sources to submit an EI if the source meets one of the reporting thresholds in §101.10 if the source lies within 9.0 nautical miles of the shoreline rather than 25 miles.
- The proposal would require an affirmative signature that no emissions events were experienced at the site.

For further information, contact Kathy Pendleton, P.E., Rule Project Manager, Air Quality Division, (512) 239-1936.



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EPA Proposes Disapproval of Mississippi's SIP 2008 Ozone, 2010 NO₂.

The Environmental Protection Agency (EPA) is proposing to disapprove the visibility transport (prong 4) portions of revisions to the Mississippi State Implementation Plan (SIP), submitted by the Mississippi Department of Environmental Quality (MDEQ), addressing the Clean Air Act (CAA or Act) infrastructure SIP requirements for the 2008 8-hour Ozone, 2010 1-hour Nitrogen Dioxide (NO₂), 2010 1-hour Sulfur Dioxide (SO₂), and 2012 annual Fine Particulate Matter (PM 2.5) National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an “infrastructure SIP.” Specifically, EPA is proposing to disapprove the prong 4 portions of Mississippi's May 29, 2012, 2008 8-hour Ozone infrastructure SIP submission; July 26, 2012, 2008 8-hour Ozone infrastructure SIP resubmission; February 28, 2013, 2010 1-hour NO₂ infrastructure SIP submission; June 20, 2013, 2010 1-hour SO₂ infrastructure SIP submission; and December 8, 2015, 2012 annual PM 2.5 infrastructure SIP submission. All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings. For further information, contact Sean Lakeman of the Air Regulatory Management Section, U.S. Environmental Protection Agency, at (404) 562-9043 or via electronic mail at lakeman.sean@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

TCEQ Proposes Exemption for Accidental Discharges of Wastewater

The proposed rulemaking will amend 30 Texas Administrative Code (TAC) Chapters 305 and 327 to implement SB 912. The proposed rules are amended to allow single, accidental discharges or spills of treated or untreated domestic wastewater that occur at a wastewater treatment or collection system owned or operated by a local government to be reported as a summary of spills to the TCEQ on a monthly basis when the following conditions are met:

- The spill volume is 1,000 gallons or less;
- It is not associated with another accidental discharge or spill;
- It is controlled or removed before entering water in the state;
- It does not adversely affect a public or private source of drinking water;
- It will not endanger human health or safety or the environment; and
- It is not otherwise subject to local regulatory control and reporting requirements.

The proposed rules also establish standard methods for calculating the volume of an accidental discharge or spill and require the owner or operator of the facility or collection system to use the standard methods in the proposed rules. For further information, contact Macy Beauchamp, Rule Project Manager, (512) 239-0437.

TCEQ Proposes Rule Change for Medical Waste

This proposed rule would amend and repeal portions of 30 TAC Chapters 330 and 335 related to the management of medical waste and create a new 30 TAC Chapter 326 for the handling, transportation, storage, and disposal of medical waste. The legislatively mandated amendments also include making operational changes that apply to medical waste facilities such as buffer zones, and storage in transport vehicles at a facility.

Chapter 330 would be amended to repeal Subchapter Y and transfer contents relating to medical waste management to proposed new Chapter 326. Sections within Chapters 330 and 335 that reference Chapter 330, Subchapter Y would also be revised to reference proposed new Chapter 326. Chapter 326 would organize the rules from Chapter 330, Subchapter Y by level of authorization. The new chapter would be outlined as follows:

- Subchapter A, General Information, would establish the purpose and applicability, define terms, establish general prohibitions and specify other authorizations required by other TCEQ

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programs such as air permitting and water quality permitting.

- Subchapter B, Packaging, Labeling and Shipping Requirements, would establish medical waste labeling and packaging for transport to a treatment or disposal facility. Recordkeeping requirements and provisions for both generators and transporters would also be established.
- Subchapter C, Exempt Medical Waste Operations, would establish exempt facilities from medical waste authorizations. These facilities would be all generators and those small quantity generators that self-transport.
- Subchapter D, Operations Requiring a Notification, would establish the process and requirements for medical waste operations to request a notification authorization. These facilities are on-site treatment facilities and medical waste collection stations.
- Subchapter E, Operations Requiring a Registration by Rule, would establish the process and requirements for transporters and mobile on-site treatment units to operate under a Registration by Rule.
- Subchapter F, Operations Requiring a Registration, would establish registration requirements for facilities that store or process untreated medical waste that is received from off-site sources.

- Subchapter G, Fees and Reporting, would establish fees for solid waste processing for disposal within the state and registered transporters. It would also establish reporting requirements for stored and processed waste.

For further information, contact Mario Perez, Project Manager, Waste Permits Division, (512) 239-6681.

EPA Seeking Comment for Draft NPDES Pesticide General Permit

The EPA is proposing for public comment the draft 2016 National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP)—the “draft 2016 PGP.” The draft 2016 PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that will expire at midnight on October 31, 2016. The draft 2016 PGP has the same conditions and requirements as the 2011 PGP and would authorize certain point source discharges from the application of pesticides to waters of the United States in accordance with the terms and conditions described therein. EPA proposes to issue this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority. EPA solicits public comment on all aspects of the draft 2016 PGP. The fact sheet accompanying the permit contains supporting documentation. EPA encourages the public to read the fact sheet to better understand the draft 2016 PGP. For further information, contact Prasad Chumble, EPA Headquarters,

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Office of Water, Office of Wastewater Management at tel.: 202-564-0021 or email: chumble.prasad@epa.gov.

EPA Not Issuing Primary Drinking Water Regulations for Select Contaminants.

The EPA is announcing final regulatory determinations not to issue national primary drinking water regulations for four of the 116 contaminants listed on the Third Contaminant Candidate List. The Safe Drinking Water Act, as amended in 1996, requires the EPA to make regulatory determinations every five years on at least five unregulated contaminants. A regulatory determination is a decision about whether or not to begin the process to propose and promulgate a national primary drinking water regulation for an unregulated contaminant. On October 20, 2014, the agency published its preliminary determinations not to regulate dimethoate, 1,3-dinitrobenzene, terbufos, terbufos sulfone and begin the process to regulate strontium. The agency requested public comment on the determinations, process, rationale and supporting technical information. The agency received comments from 14 individuals or organizations on the preliminary regulatory determinations. After careful review and consideration of the public comments, the agency is making a final determination not to regulate dimethoate, 1,3-dinitrobenzene, terbufos and terbufos sulfone. The agency, however, is delaying the final regulatory determination on strontium in order to consider additional data and decide whether there is a meaningful opportunity for health risk reduction by regulating strontium in drinking water. For further information, contact Zeno Bain, at (202) 564-5970 or

bain.zeno@epa.gov. For general information, contact the Safe Drinking Water Hotline, telephone number: (800) 426-4791.

EPA Proposing to Amend Risk Management Program

The EPA, in response to Executive Order 13650, is proposing to amend its Risk Management Program regulations. The proposed revisions include several changes to the accident prevention program requirements including an additional analysis of safer technology and alternatives for the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions and data elements submitted in risk management plans. These proposed amendments seek to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources. For additional information, contact James Belke, USEPA, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564-8023; email address: belke.jim@epa.gov.



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EPA Revising to the Lead Renovation, Repair, and Painting (RRP) Rule

EPA is finalizing revisions to the Lead Renovation, Repair, and Painting (RRP) rule, and the Lead-based Paint (LBP) Activities rule. The revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules. First, EPA is modifying the requirement that the renovator refresher training for individuals have a hands-on component. Second, the Agency is removing jurisdiction-specific certification and accreditation requirements under the LBP Activities program in States where EPA administers the program. Previously, this program required that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the organization or person wanted to work. Third, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs. For technical information contact: Marc Edmonds, at 202-566-0758; email address: edmonds.marc@epa.gov.

Upcoming Compliance Reminders

APRIL

10	❖ Groundwater or Purchased Water Systems: DLQOR
20	❖ Wastewater Discharge: Quarterly biomonitoring DMR and tables

MAY

3-4	❖ The 2016 Environmental Trade Fair and Conference, Austin Convention Center
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JUNE

15	<ul style="list-style-type: none"> ❖ Liquid Waste Transporter: annual summary ❖ Sludge Transporter: renewal of registration, every two years
30	❖ Categorical Industrial Users that discharge to a publicly owned treatment works without an approved pretreatment program: semi-annual report

JULY

1	<ul style="list-style-type: none"> ❖ Toxics Release Inventory annual reports due to the EPA ❖ Sludge Transporter: annual summary report ❖ Community water systems: CCR Certificate of Delivery to TCEQ ❖ Waste Reduction Policy Act: annual progress report
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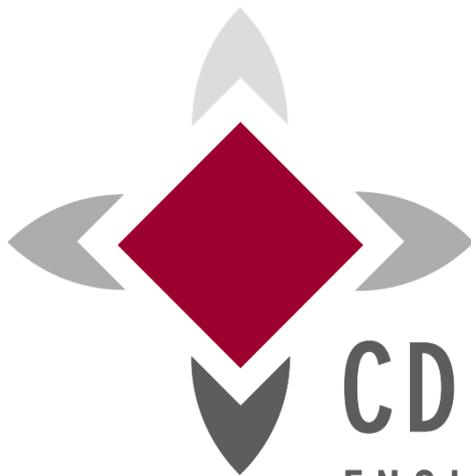
Plan Ahead!

Review any upcoming changes to you facility for environmental compliance to prevent any last minute issues from slowing down your progress.

CD Environmental appreciates the opportunity to provide this regulatory update to our customers and friends. CD is committed to helping you achieve your environmental compliance goals. Please let us know if there is anything we can assist with.

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