



# CD ENVIRONMENTAL ENGINEERING LLC

## Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

1st Qtr | 2017

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Helping you achieve  
your environmental  
compliance goals.



Keeping up with new regulations is the first step towards environmental compliance.

## New Air Regulations

### TCEQ VOC RACT Rules HGB 8-Hour O<sub>3</sub> Nonattainment Area

The Texas Commission on Environmental Quality (TCEQ) is adopting revisions to the Title 30 of the Texas Administrative Code (TAC) Chapter 115, Subchapter B, Division 1, to update the approved RACT requirements for fixed roof VOC storage tanks in the Houston/Galveston/Brazoria (HGB) area. The adopted updates mirror revisions incorporated during the December 2011 rulemaking for the DFW 1997 eight-hour ozone nonattainment area and the June 2015 rulemaking for the DFW 2008 eight-hour ozone nonattainment area for VOC storage tanks. The adopted rule changes include: updating the control efficiency requirement for control devices other than vapor recovery units or flares; expanding the applicability to include the aggregate of fixed roof storage tanks at a pipeline breakout station into the control requirements prescribing flashed gas controls; and adding inspection, repair, and recordkeeping requirements for consistency with existing requirements in the DFW area.

The adopted rules would implement RACT for VOC storage tanks, as mandated by FCAA requirements. The control, inspection, and recordkeeping requirements adopted for storage tanks in the DFW area and recommended for implementation in the HGB area are:

- increasing the control efficiency for all control devices, other than vapor recovery units and flares, from 90% to 95%;

- expanding the applicability to include the aggregate of fixed roof storage tanks at a pipeline breakout station into the control requirements prescribing flashed gas controls;
- implementing control, inspection, and repair requirements after tank opening/loading and quarterly seal integrity inspections for fixed roof condensate and crude oil storage tanks;
- maintaining records of the new inspection requirements for fixed roof storage tanks; and
- increasing the record retention period from two to five years for all affected VOC storage tanks.

The 95% control efficiency adopted for storage tanks in the DFW area was approved by the EPA as RACT in 2014. The control, inspection, and recordkeeping requirements for openings, and the 95% control efficiency, are also consistent with the New Source Performance Standards for new condensate and crude oil tanks (40 *Code of Federal Regulations* Subpart OOOO). For additional information, contact Graham Bates at (512) 239-2606.

### Review of the NAAQS for Lead

Based on EPA's review of the air quality criteria and the national ambient air quality standards (NAAQS) for lead (Pb), the EPA is retaining the current standards, without revision.



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## Proposed Approval of Texas SIP for Visible Emissions and Particulate Matter

The EPA is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas that pertain to particulate matter standards and outdoor burning regulations. The State submitted the SIP revisions in the years 1989, 2004, 2006, and 2014. This rulemaking action is being taken under section 110 of the Federal Clean Air Act (CAA). The EPA has determined that the SIP revisions are approvable and meet the requirements established in section 110 of the CAA. For additional information, contact Randy Pitre at (214) 665-7299 or [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov).

## Revisions to the PSD and Title V (GHG) Permitting Regulations

The EPA is proposing to revise provisions applicable to greenhouse gases (GHG) in the EPA's Prevention of Significant Deterioration (PSD) and title V permitting regulations. This action is in response to the June 23, 2014, U.S. Supreme Court's decision in *Utility Air Regulatory Group (UARG) v. EPA* and the April 10, 2015, Amended Judgment by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Coalition for Responsible Regulation v. EPA*. The proposed PSD and title V revisions involve changes to several regulatory

definitions in the PSD and title V regulations, revisions to the PSD provisions on GHG Plantwide Applicability Limitations (PALs), and revisions to other provisions necessary to ensure that neither the PSD nor title V rules require a source to obtain a permit solely because the source emits or has the potential to emit (PTE) GHGs above the applicable thresholds. In addition, the EPA is also proposing a significant emissions rate (SER) for GHGs under the PSD program that would establish an appropriate threshold level below which Best Available Control Technology (BACT) is not required for a source's GHG emissions. For additional information, contact Carrie Wheeler at (919) 541-9771 or [wheeler.carrie@epa.gov](mailto:wheeler.carrie@epa.gov).

## Approval of Oklahoma SIP for Pb, O<sub>3</sub>, NO<sub>2</sub>, and SO<sub>2</sub> NAAQS

The EPA is approving State Implementation Plan (SIP) submissions from the State of Oklahoma regarding the 2008 Lead (Pb), 2008 Ozone, 2010 Nitrogen Dioxide (NO<sub>2</sub>), and 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS or standards). The four submittals address how the existing SIP provides for implementation, maintenance, and enforcement of these four NAAQS (infrastructure SIP or i-SIP). These i-SIPs ensure that the Oklahoma SIP is adequate to meet the State's responsibilities under the CAA, including the CAA requirements for interstate transport of Pb and NO<sub>2</sub> emissions. This rule is effective on January 9, 2017. For additional information, contact Carrie Paige at, 214-665-6521 or [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).



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## TCEQ Updates MACT and GACT Standards

Since Chapter 113 was last updated, the EPA has promulgated amendments to 31 Maximum Achievable Control Technology (MACT) or Generally Available Control Technology (GACT) standards, and adopted three new MACT standards. Please see attached “Table 1: Amended and New MACT and GACT Standards” for the specific list of amended and new standards to be incorporated in this adopted rulemaking. Commissioners Page 2 November 18, 2016 Re: Docket No. 2016-0344-RUL A.) Summary of what the rulemaking will do: This rulemaking incorporates the amended and new MACT and GACT standards by reference into Chapter 113, Subchapter C. B.) Scope required by federal regulations or state statutes: This rulemaking is not explicitly required by federal rules or state statutes; however, it is necessary for TCEQ to receive formal delegation of the amended and new MACT and GACT standards from the EPA and to implement a federal operating permit program that provides authority to issue permits and assure compliance with each applicable standard, regulation, or requirement under the FCAA, including National Emission Standards for Hazardous Air Pollutants, which are required under 42 United States Code, §7412. For additional information, contact Michael Wilhoit at (512) 239-1222.

## Air Quality Designations for the 2010 Sulfur Dioxide (SO<sub>2</sub>)

The EPA’s new rule establishes the initial air quality designations for four areas in Texas for the 2010 primary sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The Environmental Protection Agency (EPA) is designating three of the areas as nonattainment because they do not meet the NAAQS. One area is being designated unclassifiable because it cannot be classified on the basis of available information as meeting or not meeting the NAAQS. The designations are based on the weight of evidence for each area, including available air quality monitoring data and air quality modeling. For the areas designated nonattainment by this rule, the Clean Air Act (CAA) directs the state of Texas to undertake certain planning and pollution control activities to attain the SO<sub>2</sub>NAAQS as expeditiously as practicable. This action is a supplement to the final rule addressing the second round of area designations for the 2010 SO<sub>2</sub> NAAQS, which the EPA Administrator signed on June 30, 2016. For additional information, contact Liz Etchells at (919) 541-0253 or [etchells.elizabeth@epa.gov](mailto:etchells.elizabeth@epa.gov).



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## TCEQ Repeals of Obsolete Notification and Comment Procedures

This adopted rule repeals the obsolete rules in Chapter 116 to reduce confusion for the regulated community and the public. The SIP-approved public notice requirements in Chapter 39 will not be affected, and the public's opportunity to participate in the air permitting process will not change as a result of this repeal.

This rulemaking repeals §§116.130 - 116.134, 116.136, and 116.137 regarding Public Notification and Comment Procedures. B.) Scope required by federal regulations or state statutes: Repeal of the obsolete rules and the SIP revision removal of the rules from the SIP is consistent with the Federal Clean Air Act (FCAA) requirements that a state's SIP include a permitting program consistent with Title I and the EPA's regulations promulgated to implement Title I. For additional information, contact Tasha Burns at (512) 239-5868.

## Determination of Nonattainment HGB 2008 8-hr O<sub>3</sub> Nonattainment Area

The EPA is determining that the Houston-Galveston-Brazoria, Texas 2008 8-hour ozone nonattainment area (HGB area) failed to attain the 2008 8-hour ozone national ambient air quality standard (NAAQS) by the applicable attainment deadline of July 20, 2016, and thus is classified by operation of law as "Moderate". In this action, EPA is also determining January 1, 2017 as the deadline by which Texas must submit to the EPA the State Implementation Plan (SIP) revisions that meet the Clean Air Act (CAA) statutory and regulatory requirements that apply to 2008 ozone NAAQS nonattainment areas reclassified as Moderate. For additional information, contact Nevine Salem at (214) 665-7222 or [salem.nevine@epa.gov](mailto:salem.nevine@epa.gov).



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## New Environmental Compliance/ Waste/Wastewater Regulations

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### Hazardous Waste Generator Improvements Rule

The EPA is finalizing revisions to the Resource Conservation and Recovery Act's (RCRA) hazardous waste generator regulatory program proposed on September 25, 2015. There are several objectives to these revisions. They include reorganizing the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; providing a better understanding of how the RCRA hazardous waste generator regulatory program works; addressing gaps in the existing regulations to strengthen environmental protection; providing greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; and making technical corrections and conforming changes to address inadvertent errors and remove obsolete references to programs that no longer exist. This final rule responds to the comments of EPA stakeholders, taking into consideration the mission of EPA and the goals of RCRA. This final rule is effective on May 30, 2017. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 30, 2017. For additional information, contact Jim O'Leary at (703) 308-8827 or [oleary.jim@epa.gov](mailto:oleary.jim@epa.gov).

### Hazardous Waste Export- Import Revisions

The EPA is amending existing regulations regarding the export and import of hazardous wastes from and into the United States. EPA is making these changes to: Provide greater protection to human health and the environment by making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); enable electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and enable electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit. The AES resides in the U.S. Customs and Border Protection's Automated Commercial Environment (ACE). This final rule is effective on December 31, 2016. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 31, 2016. For additional information, contact Laura Coughlan at (703) 308-0005 or [coughlan.laura@epa.gov](mailto:coughlan.laura@epa.gov).



Let us know how we can  
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## Hazardous Waste Electronic Manifest System Advisory Board; Notice of Public Meeting

There will be an inaugural three (3) day meeting of the Hazardous Waste Electronic Manifest System (“e-Manifest”) Advisory Board to consider and advise the Agency about the initial launch of the e-Manifest System (Meeting Theme: “System Launch: Day 1 e-Manifest”). The meeting will be held on January 10-12, 2017, from approximately 9:00 a.m. to 5:00 p.m. EST. This meeting may be webcast. Please refer to the e-Manifest Web site at <https://www.epa.gov/hwgenerators/hazardous-waste-electronic-manifest-system-e-manifest> for information on how to access the webcast. Please note that the webcast is a supplementary public process provided only for convenience. If difficulties arise resulting in webcasting outages, the meeting will continue as planned.

The Hazardous Waste Electronic Manifest System Advisory Board is established in accordance with the provisions of the Hazardous Waste Electronic Manifest Establishment Act, 42 U.S.C. 6939g. The e-Manifest Advisory Board is in the public interest and supports the Environmental Protection Agency in performing its duties and responsibilities. The sole duty of the Advisory Board is to provide advice and recommendations to the EPA Administrator.

The e-Manifest Advisory Board will provide recommendations on matters related to the operational

activities, functions, policies, and regulations of EPA under the e-Manifest Act.

## EPA Approves Oklahoma Hazardous Waste Management Program

The Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA), allows the EPA to authorize States to operate their hazardous waste management programs in lieu of the Federal program. The EPA uses the regulations entitled “Approved State Hazardous Waste Management Programs” to provide notice of the authorization status of State programs and to incorporate by reference those provisions of the State statutes and regulations that will be subject to the EPA's inspection and enforcement. The rule codifies in the regulations the prior approval of Oklahoma's hazardous waste management program and incorporates by reference authorized provisions of the State's statutes and regulations. This regulation is effective December 27, 2016. For additional information, contact Alima Patterson at (214) 665-8533 or [patterson.alima@epa.gov](mailto:patterson.alima@epa.gov).

# Upcoming Compliance Reminders

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## Jan

<b>1</b>	❖ Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year.
<b>25</b>	❖ Industrial and hazardous waste: annual summary report (paper filers). ❖ Emissions Inventory Workshop J.J. Pickle Research Campus Austin, TX.
<b>31</b>	❖ Computer Manufacturers, TV Manufacturers and TV Recyclers: annual recycling report

## Feb

<b>1</b>	❖ Pesticide General Permit Renewal
<b>5</b>	❖ Concrete Batch Plant General Permit Renewal

## Mar

<b>1</b>	❖ Industrial and Hazardous Waste: annual summary report (electronic filers) ❖ Tier II chemical inventory reports ❖ Scrap-tire Transporter: annual activity report
<b>25</b>	❖ Multi-sector stormwater general permit for industrial storm water discharges: including benchmark monitoring summary, DMRs on numeric effluent limit (annual hazardous metals), and DMRs on sector-specific, numeric effluent limits

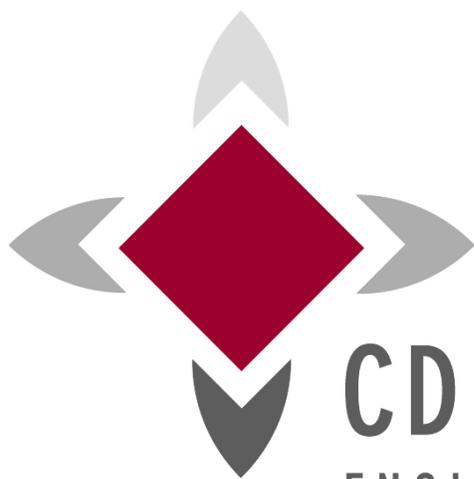
### Plan Ahead!

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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