



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

1st Qtr | 2018

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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New Air Regulations

Public Notice Requirements for Certain Air Permit Applications

This rulemaking is proposed to implement Senate Bill (SB) 1045 (85th Texas Legislature, 2017). The proposed rule amendments would consolidate the Notice of Receipt of Application and Intent to Obtain Permit (NORI) and Notice of Application and Preliminary Decision (NAPD) requirements to allow for one 30-day notice period during which comments and requests for a public meeting or contested case hearing (CCH) can be submitted. This consolidated notice would be required for air quality case-by-case permit applications that can be declared as administratively and technically complete and for which a draft permit is prepared by the executive director within 15 days of receipt of the application.

This rulemaking would ensure the existing rules include the consolidated notice added by SB 1045 when certain conditions are satisfied.

No changes to other aspects of notice and public participation are included in this rulemaking. The applicant will continue to be required to post signs and, if applicable, publish notice and post signs in alternate language(s). The executive director will notify area legislators 30 days prior to issuance of a draft permit and will prepare a Response to Comments (RTC). If a request for CCH hearing is received within the single 30-day comment period, the opportunity to request a CCH will extend to 30 days after the executive director files the RTC. Depending upon the date it is held, a public meeting may extend the deadline for submitting

comments; however, the deadline for submitting a CCH request is not extended beyond the 30-day period after last publication of the consolidated notice unless a request for CCH is received within the 30-day period.

If adopted, the amendments will be submitted to the EPA as revisions to the Texas State Implementation Plan (SIP). For additional information, please contact Janis Hudson, at, (512) 239-0466

Approval of Texas SIP for RACT in the DFW Ozone Nonattainment Area

The Environmental Protection Agency (EPA) is approving revisions to the SIP submitted by the State of Texas. The Texas SIP submission revises rules for control of volatile organic compounds (VOC) to assist the Dallas-Fort Worth (DFW) moderate nonattainment area (NAA) in attaining the 2008 8-hour ozone (O₃) National Ambient Air Quality Standards (NAAQS) and demonstrates that Reasonably Available Control Technology (RACT) requirements are met for the DFW NAA. The submission includes Wise County, a county added as part of the DFW moderate NAA. The EPA is approving the submitted rules and RACT demonstration as part of the DFW moderate NAA SIP and as meeting RACT requirements. This rule is effective on January 22, 2018. For additional information, please contact Robert Todd at 214-665-2156 or todd.robert@epa.gov.



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Promulgation of Texas SIP Regional Haze and Interstate Visibility Transport FIP

EPA is finalizing a partial approval of the 2009 Texas Regional Haze SIP submission and a Federal Implementation Plan (FIP) for Texas to address certain outstanding requirements. Specifically, the EPA is finalizing determinations regarding best available retrofit technology (BART) for electric generating units (EGUs) in the State of Texas. To address the BART requirement for sulfur dioxide (SO₂), the EPA is finalizing an alternative to BART that consists of an intrastate trading program addressing the SO₂ emissions from certain EGUs. To address the BART requirement for oxides of nitrogen (NO_x), the EPA is finalizing the proposed determination that Texas' participation in the Cross-State Air Pollution Rule's (CSAPR) trading program for ozone-season NO_x qualifies as an alternative to BART. The EPA is approving Texas' determination that its EGUs are not subject to BART for particulate matter (PM). Finally, The EPA is disapproving portions of several SIP revisions submitted to satisfy the CAA requirement to address interstate visibility transport for six national ambient air quality standards (NAAQS): 1997 8-hour ozone, 1997 fine particulate matter (PM_{2.5}) (annual and 24-hour), 2006 PM_{2.5} (24-hour), 2008 8-hour ozone, 2010 1-hour nitrogen dioxide (NO₂) and 2010 1-hour SO₂. The EPA finds that the BART alternatives to address SO₂ and NO_x BART at Texas' EGUs meet the

interstate visibility transport requirements for these NAAQS. This final rule is effective on November 16, 2017. For additional information, please contact Michael Feldman at 214-665-9793 or Feldman.Michael@epa.gov.

Approval of Texas SIP for to Emissions Banking and Trading Programs

The EPA has determined that the October 10, 2017 and corrected on 11/01/2017, revisions to the Texas SIP Emissions Banking and Trading Programs for Area and Mobile Sources are consistent with the CAA and the EPA's policy and guidance on emissions trading. The EPA approved the following revisions to the Texas SIP that include revisions to:

30 TAC Section 101.300;
30 TAC Section 101.302;
30 TAC Section 101.303;
30 TAC Section 101.304;
30 TAC Section 101.306;
30 TAC Section 101.370;
30 TAC Section 101.372;
30 TAC Section 101.373;
30 TAC Section 101.374; and
30 TAC Section 101.376. .

For additional information, please contact Adina Wiley at 214-665-2115 or wiley.adina@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

Texas Tier II Online Reporting

Beginning January 1, 2018, you must use the new TCEQ online system to submit your Tier II chemical inventory reports. Reports submitted with the EPA's Tier2Submit software will not be accepted beginning with the 2017 Tier II Annual Reporting Period, between January 1 and March 1, 2018.

All Tier II chemical inventory reports must contain a Customer Number (CN), a Regulated Entity Number (RN), and a TXT2 number for submission. If you do not currently have these numbers, we strongly recommend that you apply for them now using the TCEQ's State of Texas Environmental Electronic Reporting System (STEERS). TCEQ is attempting to migrate all current 2016 Tier II chemical inventory reports into the new online reporting system and if your current Tier II chemical inventory report does not contain these numbers, the data will not be migrated and you will need to reenter your information into the online system. For more information on acquiring your CN, RN and TXT2 numbers using STEERS, signing up for training classes, or if you have any questions, contact the TCEQ at 512-239-5060 or Tier2help@tceq.texas.gov. You can also visit the TCEQ website <http://www.texas-tier2.org>. Please contact CD Environmental Engineering if you would like CD to prepare and submit your 2017 Tier II Report.

TCEQ Approves UST and AST Rules to Implement the Federal PST Updates

In order for the State of Texas to be consistent with federal underground storage tank (UST) requirements, the Texas Commission on Environmental Quality (TCEQ, agency, or commission) incorporates specific United States Environmental Protection Agency (EPA) rule changes into state rules after promulgation.

On July 15, 2015, the EPA published updates to the UST regulations and the state program approval regulations. The EPA's stated goal of revising the 1988 federal UST regulations was to establish federal requirements similar to key provisions of the Energy Policy Act of 2005 (EPA Act). The revisions increase the emphasis on proper operation and maintenance of UST equipment, address UST systems deferred in the 1988 regulations, and include current technologies and practices.

Separate from the federally mandated issues above, this rulemaking also proposes minor rule revisions relating to the fee on delivery of petroleum products and the funding of the Petroleum Storage Tank Remediation (PSTR) account, which are required by the Texas Water Code (TWC). More specifically, House Bill (HB) 7, 84th Texas Legislature, amended TWC, §26.3574(b-1) to clarify the calculation method of the petroleum products delivery fee, which funds the PSTR account. The proposed rule change will reflect the fee reduction
(continued)



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changes that were implemented in 2015 through the Texas Register and the Texas Comptroller's rules, but were not reflected in the TCEQ's rules.

Additional minor rule revisions related to the fee on the delivery of certain petroleum products are proposed to implement the amendment to TWC, §26.3574, made by Senate Bill (SB) 1557, 85th Texas Legislature. The revisions include changing the term "operator of a bulk facility" to "supplier" such that the "supplier" would now collect the fees on delivery of a petroleum product. For additional information, please contact Cynthia Gandee, at (512) 239-0179

TCEQ Proposes Amendments to the Texas Surface Water Quality Standards

The proposed revisions are a result of a review of the Texas Surface Water Quality Standards (TSWQS) as required on a triennial basis by §303(c) of the federal Clean Water Act. The TSWQS were last revised in February 2014, and portions of the 2014 TSWQS were approved by the United States Environmental Protection Agency (EPA) in September 2014.

The revisions to the TSWQS are proposed to incorporate new information and the results from studies on the appropriate uses and criteria of individual water bodies, incorporate new scientific data on the effects of specific

pollutants, and address new provisions in federal regulations and EPA guidance.

Specific proposed changes to the rules include:

- revisions to statewide toxic criteria to incorporate new data on toxicity effects and address revised EPA procedures;
- revisions and additions to site-specific toxic criteria to incorporate local water quality data into criteria for selected water bodies;
- revisions and additions to the uses, criteria, and descriptions of individual water bodies based on new data and results of recent use-attainability analyses (UAAs);
- addition of site-specific recreational uses for selected water bodies as a result of recent recreational UAAs; and
- revisions to provisions regarding coastal recreation waters to comply with the federal Clean Water Act.

For additional information, contact Debbie Miller, at (512) 239-1703.

Upcoming Compliance Reminders

Jan

1	❖ Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year.
10	❖ Groundwater or Purchased Water Systems: Disinfectant Level Quarterly Operating Report (DLQOR)
20	❖ Wastewater Discharge: Quarterly biomonitoring Discharge Monitoring Reports (DMR) and tables
25	❖ Industrial and hazardous waste: annual summary report (paper filers).
31	❖ Computer Manufacturers, TV Manufacturers and TV Recyclers: annual recycling report

Feb

20	❖ Wastewater Discharge: January DMR
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Mar

1	<ul style="list-style-type: none"> ❖ Industrial and Hazardous Waste: annual summary report (electronic filers) ❖ Tier II chemical inventory reports ❖ Scrap-tire Transporter: annual activity report
5	❖ Stormwater Construction General Permit expires on 3/5/18 (you have 90 days from the new permit effective date to renew coverage). This general permit coverage must be renewed every fifth year.
25	❖ 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

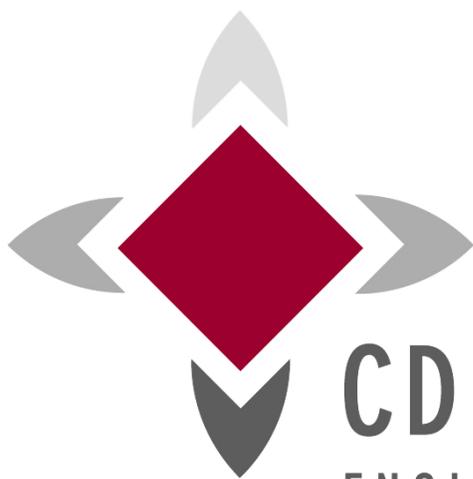
Plan Ahead!

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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