



# CD ENVIRONMENTAL ENGINEERING LLC

# Regulatory focus

1st Qtr | 2019

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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## Table of Contents

	Page
Texas Interstate Transport Requirements for the 1997 O3 NAAQS .....	2
Review of SOP for GHG Emissions From Stationary Electric Utility Units .....	2
HGB & DFW Redesignation Request and Maintenance Plan SIP Revision for the 1hr and 1997 8hr O3 NAAQS .....	3
Reclassification of DFW and HGB for the 2008 Ozone NAAQS .....	4
Approval of Texas 2008 O3 NAAQS for DFW.....	4
TCEQ Agency's Recommendations to Lawmakers .....	5
NESHAP Delegation of Authority to Oklahoma .....	7
Revisions for MSWLFs To Address Advances in Liquids Management .....	8
Proposed Authorization of Texas Hazardous Waste Management Program.....	8
Proposed Authorization of Oklahoma Hazardous Waste Management Program.....	9
Upcoming Compliance Reminders .....	10



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compliance goals.



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## New Air Regulations

### Texas Interstate Transport Requirements for the 1997 O<sub>3</sub> NAAQS

Effective on January 7, 2019, the Environmental Protection Agency (EPA) is approving portions of two Texas State Implementation Plan (SIP) submittals that pertain to the good neighbor and interstate transport requirements of the Federal Clean Air Act (CAA) with respect to the 1997 ozone National Ambient Air Quality Standards (NAAQS). The good neighbor provision requires each state, in its SIP, to prohibit emissions that will significantly contribute to nonattainment, or interfere with maintenance, of a NAAQS in other states. In this action, EPA is approving the Texas SIP submittals as having met the requirements of the good neighbor provision for the 1997 ozone NAAQS in accordance with section 110 of the CAA. For further information, please contact Carl Young at 214-665-6645 or [young.carl@epa.gov](mailto:young.carl@epa.gov).

### Review of SOP for GHG Emissions From Stationary Electric Utility Units

The EPA is proposing amendments to the rulemaking titled “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units (EGUs),” which the EPA promulgated by notice dated October 23, 2015 (i.e., the 2015 Rule). Specifically, the EPA proposes to

amend its previous determination that the best system of emission reduction (BSER) for newly constructed coal-fired steam generating units (i.e., EGUs) is partial carbon capture and storage (CCS). Instead, the EPA proposes to find that the BSER for this source category is the most efficient demonstrated steam cycle (e.g., supercritical steam conditions for large units and subcritical steam conditions for small units) in combination with the best operating practices. The EPA proposes to revise the standard of performance for newly constructed steam generating units as separate standards of performance for large and small steam generating units that reflect the Agency's amended BSER determination. In addition, the EPA proposes to revise the standard of performance for reconstructed steam generating units to be separate standards of performance for reconstructed large and small steam generating units, consistent with the proposed revised standards for newly constructed steam generating units. The EPA also proposes separate standards of performance for newly constructed and reconstructed coal refuse-fired EGUs. In addition, the EPA proposes to revise the maximally stringent standards for large modifications of steam generating units to be consistent with the standards for reconstructed large and small steam generating units. The EPA is not proposing to amend and is not reopening the standards of performance for newly constructed or reconstructed stationary combustion turbines. The EPA is also proposing to make other miscellaneous technical changes in the regulatory requirements. For further information, please contact Mr. Christian Fellner at (919) 541-4003 or [fellner.christian@epa.gov](mailto:fellner.christian@epa.gov).



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## 2015 NAAQS for O3: Nonattainment Area SIP Requirements

The EPA is finalizing nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 ozone NAAQS that were promulgated on October 1, 2015. This final rule is largely an update to the implementing regulations previously promulgated for the 2008 ozone NAAQS, and retaining without significant revision the majority of those provisions to implement the 2015 ozone NAAQS. This final rule addresses a range of nonattainment area and OTR SIP requirements for the 2015 ozone NAAQS, including attainment demonstrations, reasonable further progress (RFP) and associated milestone demonstrations, reasonably available control technology (RACT), reasonably available control measures (RACM), major nonattainment new source review, emissions inventories, the timing of required SIP submissions and compliance with emission control measures in the SIP. The EPA is not taking any final action regarding our proposed approach for revoking a prior ozone NAAQS and establishing anti-backsliding requirements; the agency intends to address any revocation of the 2008 ozone NAAQS and any potential anti-backsliding requirements in a separate future rulemaking. For further information, please contact Mr. Robert Lingard at (919) 541-5272 or [lingard.robert@epa.gov](mailto:lingard.robert@epa.gov).

## HGB & DFW Redesignation Request and Maintenance Plan SIP Revision for the 1hr and 1997 8hr O3 NAAQS

On December 12, 2018, the commission adopted the HGB and DFW Redesignation Request and Maintenance Plan SIP Revision for the One-Hour and 1997 Eight-Hour Ozone NAAQS. The SIP revision includes a request that the EPA to redesignate the HGB and DFW areas to attainment for the one-hour and 1997 eight-hour ozone NAAQS and provides a maintenance plan that will ensure the area remains in attainment of the NAAQS through 2032.

The public comment period for the DFW area opened on December 14, 2018 and close on January 15, 2019. A public hearing will be held on January 14, 2019 at 2:00 p.m. at the Arlington City Council Chambers, 101 W. Abram Street, Arlington.

For additional information, please visit the HGB: Latest Ozone Planning Activities webpage.

For additional information, please visit the DFW: Latest Ozone Planning Activities webpage.



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## Reclassification of DFW and HGB for the 2008 Ozone NAAQS

The EPA is proposing to determine that DFW and Houston-Galveston-Brazoria, Texas, currently classified as “Moderate”, failed to attain the 2008 Ozone NAAQS standards by the attainment date. The effect of failing to attain by the attainment date is that such areas will be reclassified by operation of law to “Serious” upon the effective date of the final reclassification notice. Consequently, the responsible state air agencies must submit SIP revisions required to satisfy the statutory and regulatory requirements for Serious areas for the 2008 ozone NAAQS. The EPA is proposing deadlines for submittal of those SIP revisions and implementation of the related control requirements. This proposed action is necessary to fulfill the EPA's statutory obligation to determine whether ozone nonattainment areas attained the NAAQS by the attainment date, and, within 6 months of the attainment date. For further information, please contact Ms. Virginia Raps at (919) 541-5315 or [raps.virginia@epa.gov](mailto:raps.virginia@epa.gov)

## Approval of Texas 2008 O<sub>3</sub> NAAQS for DFW

The EPA is approving a portion of a SIP revision submitted by the State of Texas for the 2008 8-hour ozone NAAQS. The portion of the SIP revision being approved pertains to CAA 2008 ozone NAAQS requirement for emission statements in the Dallas/Fort Worth ozone nonattainment area (DFW area).

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets the NAAQS. These ambient standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA approved SIP regulations and control strategies are federally enforceable.

In 2008, The EPA revised the 8-hour ozone primary and secondary NAAQS to a level of 0.075 parts per million (ppm) to provide increased protection of public health and the environment. The 2008 8-hour ozone NAAQS revised the 1997 8-hour ozone NAAQS of 0.08 ppm. The DFW area was classified as a “Moderate” ozone nonattainment area for the 2008 8-hour ozone NAAQS. The DFW 2008 ozone nonattainment area consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties.

On August 21, 2018, Texas submitted a SIP revision how the CAA Section 182(a)(3)(B) requirement for emission statements from stationary point sources are met in the DFW area for the 2008 ozone NAAQS, using already-existing measures previously approved by EPA. EPA is only evaluating the emission statements portion of the August 21, 2018 SIP submittal in this action. For further information, please contact Ms. Karolina Ruan Lei at 214-665-7346 or [ruan-lei.karolina@epa.gov](mailto:ruan-lei.karolina@epa.gov).



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## TCEQ Agency's Recommendations to Lawmakers

For the upcoming legislative session, the TCEQ identified the following recommendations to legislators that will help the agency expedite air permits, solidify the TCEQ's enforcement authority, give the executive director authority to approve uncontested district matters, and establish more effective ways of informing and communicating with interested parties about hearings for proposed air quality rules.

### Expedite processing of permit applications

This recommendation focuses on expanding how the agency may use expedited application surcharge funds. If approved, the recommendation allows the agency to use the existing permitting surcharge to pay the salary of full-time employees who work solely on expedited air applications. The revisions would help meet the increased demand for rapid turn-around of air applications, which have increased by an average of 125 each fiscal year since the program began in November 2014. There has also been a 30 percent increase in the number of major new source review projects that are expedited in the same time period. For FY2019, the agency estimates 700 expedited applications will be received.

### Replace the newspaper publication requirement with web-based notice of hearing for proposed air quality rules

This recommendation seeks to require that notice of hearings for proposed air quality rules be posted on the TCEQ's website and that other means of notification—

such as electronic transmission, social media, and newspapers—may be used if needed. The elimination of the “newspaper only” publication requirement would increase efficiency in communicating notice of these hearings and reduce expense associated with the rulemaking process.

## 2015 NAAQS for O<sub>3</sub> Nonattainment Area SIP Requirements

The EPA is finalizing nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 ozone NAAQS that were promulgated on October 1, 2015. This final rule is an update to the implementing regulations previously promulgated for the 2008 ozone NAAQS. This final rule addresses a range of nonattainment area and OTR SIP requirements for the 2015 ozone NAAQS, including attainment demonstrations, reasonable further progress (RFP) and associated milestone demonstrations, reasonably available control technology (RACT), reasonably available control measures (RACM), major nonattainment new source review, emissions inventories, the timing of required SIP submissions and compliance with emission control measures in the SIP. The EPA is not taking any final action regarding our proposed approach for revoking a prior ozone NAAQS and establishing anti-backsliding requirements; the agency intends to address any revocation of the 2008 ozone NAAQS and any potential anti-backsliding requirements in a separate future rulemaking. For further information, please contact Mr. Robert Lingard at (919) 541-5272 or [lingard.robert@epa.gov](mailto:lingard.robert@epa.gov).



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## Oil and Natural Gas Sector: Emission Standards

The EPA proposes reconsideration amendments to the new source performance standards (NSPS) at 40 Code of Federal Regulations (CFR) part 60, subpart OOOOa (2016 OOOOa). The EPA received petitions for reconsideration on the 2016 OOOOa. In 2017, the EPA granted reconsideration on the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed vent systems by a professional engineer based on specific objections to these requirements.

The purpose of this action is to propose amendments to the NSPS for the oil and natural gas source category based on our reconsideration of those standards. On June 3, 2016, the EPA published a final rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,” (“2016 NSPS OOOOa”). The 2016 OOOOa established NSPS for emissions of greenhouse gases (GHG), in the form of limitations on methane, and volatile organic compounds (VOC) from the oil and natural gas sector. Following promulgation of the final rule, the Administrator received petitions for reconsideration of several provisions of the 2016 NSPS OOOOa. The EPA granted reconsideration on three issues: (1) Fugitive emissions requirements, (2) well site pneumatic pump standards, and (3) the requirements for certification of closed vent systems by a professional engineer based on specific objections to these requirements. This action addresses those specific issues raised for reconsideration, and addresses other implementation issues and technical corrections identified after promulgation of the rule.

The EPA proposes amendments and clarifications related to specific issues for which reconsideration was granted: Fugitive emissions requirements, well site pneumatic pump standards, the requirements for certification of closed vent systems, and the alternative means of emissions limitations (AMEL) provisions. The EPA also proposes additional amendments to clarify and streamline implementation of the rule. These proposed clarifications include the following provisions: Well completions (location of a separator during flowback, screenouts and coil tubing cleanouts), onshore natural gas processing plants (definition of capital expenditure and monitoring), storage vessels (maximum average daily throughput), and general clarifications (certifying official and recordkeeping Start Printed Page 52058 and reporting). Lastly, in addition to the proposed revisions addressing reconsideration and implementation issues, the EPA is proposing technical corrections of inadvertent errors in the final rule.

The following includes a brief summary of the proposed amendments:

### Fugitive emissions requirements.

- Revise the monitoring frequencies:
- No monitoring for well head only site
- Remove the existing low temperature waiver for compressor stations
- Added definitions

Pneumatic pumps. Eliminating the categorical distinction between greenfield sites and non-greenfield sites.

*(Continued)*



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Professional Engineer (PE) certifications. Amend the certification requirements for closed vent system design and technical infeasibility for pneumatic pumps by allowing certification by either a PE or an in-house engineer with expertise.

Alternative means of emission limitation (AMEL). Amend the language in 40 CFR 60.5398a for incorporation of emerging technologies, and to add a separate section at 40 CFR 60.5399a to take into account existing state programs.

Location of a Separator During Flowback. Amend 40 CFR 60.5375a(a)(1)(iii) to clarify that the separator may be located at the well site or near to the well site so that it is able to commence separation flowback

Screenouts and Coil Tubing Cleanouts. Clarify that that screenouts and coil tubing cleanouts are not a part of flowback.

Capital Expenditure. Amend the definition to address an inadvertent mathematical issue for affected facilities constructed in 2015 versus 2011 while leaving the calculation method intact for other affected facilities.

Maximum Average Daily Throughput. Clarify when and how daily production may be averaged in determining daily throughput

Certifying Official. Amend this definition to remove the reference to permits to clarify that the requirements of the NSPS are not associated with a permitting program.

Onshore Natural Gas Processing Plant Monitoring Exemption. Propose to include an exemption from monitoring for certain equipment that an owner or operator designates as being in VOC service less than 300 hr/yr.

Recordkeeping and Reporting Requirements. Streamline certain reporting and recordkeeping requirements to reduce burden on the regulated industry.

For further information, please contact Ms. Karen Marsh at (919) 541-1065 or [marsh.karen@epa.gov](mailto:marsh.karen@epa.gov).

## NESHAP Delegation of Authority to Oklahoma

The Oklahoma Department of Environmental Quality (ODEQ) has submitted updated regulations for receiving delegation and approval of its program for the implementation and enforcement of certain National Emission Standards for Hazardous Air Pollutants (NESHAP) for all sources (both part 70 and non-part 70 sources), as provided for under previously approved delegation mechanisms. The updated state regulations incorporate by reference certain NESHAP promulgated by the EPA at parts 61 and 63, as they existed through September 1, 2016. The EPA is providing notice that it is taking final action to approve the delegation of certain NESHAP to ODEQ. This rule is effective on November 21, 2018. For further information, please contact Mr. Rick Barrett at (214) 665-7227 or [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov).



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## New Environmental Compliance/ Waste/Wastewater Regulations

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### Revisions for MSWLFs To Address Advances in Liquids Management

The EPA is considering whether to propose revisions to the criteria for Municipal Solid Waste Landfills (MSWLFs) to support advances in effective liquids management. To this end, EPA is seeking information relating to: Removing the prohibition on the addition of bulk liquids to MSWLFs; defining a particular class of MSWLF units (i.e., bioreactor landfill units) to operate with increased moisture content; and establishing revised MSWLF criteria to address additional technical considerations associated with liquids management, including waste stability, subsurface reactions, and other important safety and operational issues. This Advance Notice of Proposed Rulemaking (ANPRM) also discusses the results of related research conducted to date, describes EPA's preliminary analysis of that research, and seeks additional scientific studies, data, and public input on issues that may inform a future proposed rule. The EPA is not reopening any existing regulations through this ANPRM.

Comments must be received on or before March 26, 2019. If necessary, EPA may convene a public meeting to collect more information on this issue after the close of the public comment period. The EPA would provide notice and details of such a meeting on its website. For further information, please contact Craig Dufficy at 703-308-9037 or [dufficy.craig@epa.gov](mailto:dufficy.craig@epa.gov);

### Proposed Authorization of Texas Hazardous Waste Management Program

During a review of Texas' regulations, the EPA identified State-initiated changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes are minor and satisfy all requirements needed to qualify for Final authorization and is proposing to authorize the State-initiated changes. The State has made amendments to Title 30, Texas Administrative Code, sections 335.155(1) and 335.261(b)(15), analogous to 40 CFR 264.77(a) and 273.8(a)(2), respectively. These amendments clarify the State's regulations and make the State's regulations more internally consistent. The State's laws and regulations, as amended by these provisions, provide authority which remains equivalent to, and no less stringent than the Federal laws and regulations. These State-initiated changes satisfy the requirements of 40 CFR 271.21(a). This rule also proposes to codify in the regulations the prior approval of Texas' hazardous waste management program and incorporate by reference authorized provisions of the State's statutes and regulations. For further information, please contact Alima Patterson at (214) 665-8533 or [patterson.alima@epa.gov](mailto:patterson.alima@epa.gov).



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## Proposed Authorization of Oklahoma Hazardous Waste Management Program

The State of Oklahoma Department of Environmental Quality (ODEQ) has applied to the EPA for final authorization of the changes to its hazardous waste program under the RCRA. The EPA has reviewed Oklahoma's application, and has determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the State's changes.

If Oklahoma is authorized for these changes, a facility in Oklahoma subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Additionally, such facilities will have to comply with any applicable Federal requirements such as, for example, HSWA regulations issued by the EPA for which the State has not received authorization. ODEQ continues to have enforcement responsibilities under its State hazardous waste program for violations of such program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Conduct inspections, and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements and suspend or revoke permits, and

- Take enforcement actions after notice to and consultation with the State.

The action to approve these provisions would not impose additional requirements on the regulated community because the regulations for which ODEQ is requesting authorization are already effective under State law, and are not changed by the act of authorization. For further information, please contact Alima Patterson at (214) 665-8533 or [patterson.alima@epa.gov](mailto:patterson.alima@epa.gov).

# Upcoming Compliance Reminders

## Jan

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

## Feb

<b>20</b>	❖ Wastewater Discharge: January DMR
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## Mar

<b>1</b>	<ul style="list-style-type: none"> <li>❖ Industrial and Hazardous Waste: annual summary report (electronic filers)</li> <li>❖ Tier II chemical inventory reports</li> <li>❖ Scrap-tire Transporter: annual activity report</li> </ul>
<b>31</b>	<ul style="list-style-type: none"> <li>❖ Air Emission Inventory Annual Reports Due</li> <li>❖ 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</li> </ul>

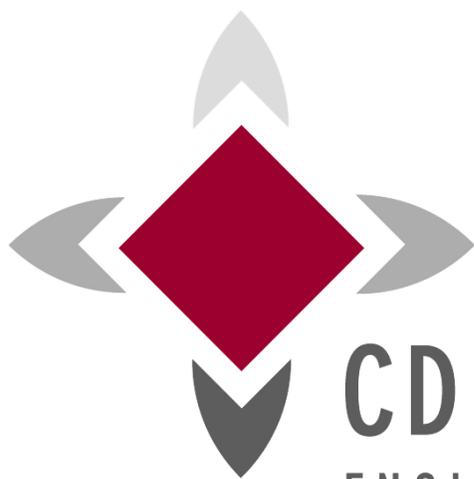
### Plan Ahead!

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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