

CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

1st Qtr | 2022

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

We hope you enjoy reading our newsletter. Our newsletter is only available by e-mail. If you wish to subscribe or unsubscribe, please contact Doug Durant at (972) 889-7200 or ddurant@cdenvironmentaleng.com.

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Helping you achieve
your environmental
compliance goals.

Note: Information in this newsletter has been collected from various federal, state, and local agencies' published documents and registers, in part or entirety. Additional information and complete works are available from those locations.



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

New Air Regulations

NESHAPS: Stationary Combustion Turbines; Amendments

The EPA is finalizing amendments to the NESHAP for Stationary Combustion Turbines. This final action removes the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004. The final rule is effective on March 9, 2022.

Categories and entities potentially regulated by this action include industries using stationary combustion turbines, such as: Electric power generation, transmission, or distribution; Pipeline transportation of natural gas; and Crude petroleum and natural gas extraction (North American Industry Classification System Codes 2211, 486210, 211120, 211130). This list is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the rule. If you have any questions regarding the applicability of any aspect of this action, please contact Melanie King at (919) 541-2469 or king.melanie@epa.gov.

Air Pollution From Aircraft Engines: Emission Standards and Test Procedures

The EPA is proposing particulate matter (PM) emission standards and test procedures applicable to certain classes of engines used by civil subsonic jet airplanes (those engines with rated output of greater than 26.7 kilonewtons (kN)) to replace the existing smoke standard for aircraft. These proposed standards and test procedures are equivalent to the engine standards adopted by the United Nations' International Civil Aviation Organization (ICAO) in 2017 and 2020 and would apply to both new type design aircraft engines and in-production aircraft engines. The EPA, as well as the United States Federal Aviation Administration (FAA), actively participated in the ICAO proceedings in which these requirements were developed. These proposed standards would reflect the importance of the control of PM emissions and U.S. efforts to secure the highest practicable degree of uniformity in aviation regulations and standards. Additionally, the EPA is proposing to migrate, modernize, and streamline the existing regulations into a new part. As part of this update, the EPA is also proposing to align with ICAO by applying the smoke number standards to engines less than or equal to 26.7 kilonewtons rated output used in supersonic airplanes. For additional information, contact Bryan Manning at (734) 214-4832 or manning.bryan@epa.gov.



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2010 SO₂ NAAQS Rd 4 Nonattainment Areas Attainment Control Measures

On April 30, 2021, the EPA designated parts of Howard, Hutchinson, and Navarro Counties as nonattainment for the Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The attainment date for all three nonattainment areas is April 30, 2026. Air dispersion modeling of authorized emissions showed that certain sources in each nonattainment area contribute to violations of the SO₂ NAAQS. The rules are intended to make enforceable the emission rates and stack parameters that attainment demonstration modeling show will model attainment by the compliance date (January 1, 2025). The rules, if adopted, will be submitted with the three state implementation plan (SIP) revisions being proposed concurrently for the nonattainment areas. compliance date for all sites in all nonattainment areas is January 1, 2025, which is one full calendar year before the attainment date for each nonattainment area.

For the site to which it applies, each new division provides the following:

- Specifies each site in the nonattainment area that is subject to the rules and the emission points and caps at each site.
- Provides definitions of terms in the division that may require clarification or that are used frequently. Some definitions are for specific sites or sources,

and others are generally applicable within the division.

- Provides the emission rate limits, fuel and raw material sulfur content limits, and stack parameters that attainment demonstration modeling indicated are needed to model attainment. Certain sources are prohibited from operation after the compliance date. For some sites, multiple options are provided to allow compliance flexibility.
- Specifies the monitoring needed to document that the emission rate limits are not exceeded.
- Where needed, requires compliance or performance testing to verify the efficiency of the emission controls or testing of fuels, raw materials, and/or finished products needed to calculate actual SO₂ emissions.
- Specifies the methods for the testing requirements with a provision for alternate testing if approved by the executive director and the EPA.
- Specifies the records that are to be maintained on site to document compliance with emission rate limits and stack parameter requirements.
- Requires an annual report, documenting each exceedance that occurred and corrective actions and requires submitting copies of test reports and records for stack tests and performance tests within 60 days of the test. For the one fugitive emission source, an annual report on temperature testing is required to indicate if the testing done to establish the emission limit is valid.



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2020 NESHAP: Ethylene Oxide Residual Risk and Technology Review

On August 12, 2020, the U.S. Environmental Protection Agency (EPA) published the final National Emission Standards for Hazardous Air Pollutants (NESHAP): Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review. Subsequently, the Agency received and granted petitions for reconsideration on two issues, specifically, the use of the EPA's 2016 Integrated Risk Information System (IRIS) value for ethylene oxide in assessing cancer risk for the source category and the use of the Texas Commission on Environmental Quality (TCEQ) risk value for ethylene oxide as an alternative risk value to the EPA's IRIS value. Here, the EPA is addressing these two issues and is also requesting public comment. The EPA is seeking comment only on the two identified petition issues. The EPA will not respond to comments addressing any other issues or any other provisions of the final rule. For questions about this proposed action, contact Ms. Tegan Lavoie at (919) 541-5110 or lavoie.tegan@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

NPDES General Permit for Stormwater Discharges From Construction Activities

All ten (10) Environmental Protection Agency (EPA) Regions are finalizing the 2022 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the “2022 Construction General Permit,” the “2022 CGP,” or the “final permit.” The final permit will replace the 2017 CGP that will expire at midnight on February 16, 2022. EPA is issuing this permit for five (5) years to provide permit coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority, including Massachusetts, New Hampshire, New Mexico, oil and gas activities within Oklahoma, most Indian country lands, the District of Columbia, U.S. territories and protectorates except for the U.S. Virgin Islands, and certain federal facilities. The final permit and fact sheet can be found at <https://www.epa.gov/npdes/2022-construction-general-permit-cgp>. The final permit become effective on February 17, 2022. For further information on the final permit, contact the appropriate EPA Regional office or email: cgp@epa.gov.

Consolidation of TPDES Program Regulations

Approval for Rulemaking Adoption During the 2019 quadrennial rule reviews, the Texas Commission on

Environmental Quality (TCEQ) determined that 30 Texas Administrative Code (TAC) Chapter 308, Subchapters C and J were obsolete. Additionally, the executive director identified several rules related to the Texas Pollutant Discharge Elimination System (TPDES) program that would be more appropriately consolidated with Chapter 305, Subchapter P. These rules include 30 TAC Chapters 308, 314, and 315, which contain adoption by reference of federal regulations, similar to 30 TAC Chapter 305, Subchapter P. Consolidating these rules will improve the overall organization of TCEQ rules related to the TPDES program. Lastly, the executive director identified a federal regulation related to cooling water intake structures at oil and gas facilities (40 Code of Federal Regulations (CFR) Part 125, Subpart N) that was not previously adopted when 40 CFR Part 125 was adopted in Chapter 308. This rulemaking will adopt this additional federal regulation by reference.



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Dam Safety Updates.

Texas Senate Bill (SB) 600, required rulemaking to add the language of SB 600 requiring river authorities to submit information on their dams. There are eight river authorities that meet the requirements of SB 600, and there are 79 dams owned by these river authorities.

House Bill (HB) 2694, provided language for exemptions to the rules, and HB 677, added to the language requiring dam exemptions. The recent audit report findings on the Dam Safety Program by Texas State Auditor's Office, issued July 2020, recommended that the language of these two bills be included in the rules.

Clean Water Act Hazardous Substance Worst Case Discharge Planning Regulations

The Clean Water Act (CWA) states that regulations shall be issued which require an owner or operator of a facility to prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a hazardous substance. The EPA proposes to require planning for worst case discharges of CWA hazardous substances for onshore non-transportation-related facilities that could reasonably be expected to cause substantial harm to the environment by discharging CWA hazardous substances into or on the navigable waters, adjoining shorelines, or exclusive

economic zone. For more information, contact Rebecca Broussard at 202-564-6706 or broussard.rebecca@epa.gov.

Injection and Geologic Storage of Carbon Dioxide

Texas House Bill (HB) 1284, addressing statutory authority over regulation of injection and geologic sequestration and storage, both onshore and offshore, of anthropogenic carbon dioxide (CO₂) in Texas. HB 1284 amends Chapter 27 of the Texas Water Code (TWC), §382 of the Texas Health and Safety Code (THSC), §121 of the Natural Resources Code, and §202 of the Tax Code. The Railroad Commission of Texas (RRC) would have sole state jurisdiction over onshore and offshore injection and geologic storage of anthropogenic CO₂ and would seek primacy from the EPA for administration of the Class VI injection well program.

Upcoming Compliance Reminders

April

1	❖ Public drinking water systems that provide water to community water system(s) deliver the applicable Consumer Confidence Report (CCR) information to their receiving systems.
10	❖ Groundwater or Purchased Water Systems: Disinfectant Level Quarterly Operating Report (DLQOR)
18	❖ Aquaculture General Permit No. TXG130000 expires on 4/18/21 (you have 90 days from the new permit effective date to renew coverage). This general permit coverage must be renewed every fifth year.

May

10-11	❖ 2021 Environmental Trade Fair and Conference Austin Convention Center
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June

1	❖ Air Emissions/Inspection fee basis forms are due.
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July

1	❖ Toxics Release Inventory annual reports due to the EPA.
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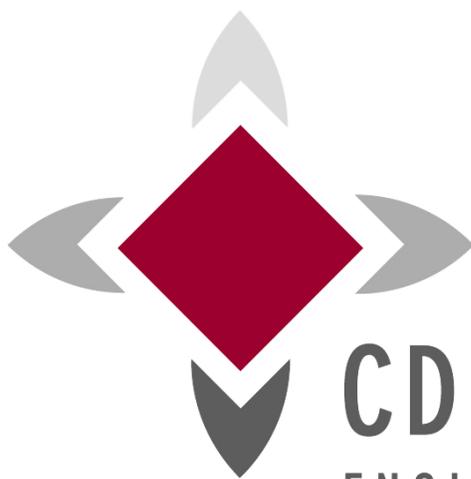
Plan Ahead!

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 to meet your compliance needs.

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