



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

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ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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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

EPA Amends PSD Rules for Utilities

On May 7th, the EPA amended the Prevention of Significant Deterioration (PSD) program regulations to allow for rescission of certain PSD permits issued by the EPA and delegated reviewing authorities under Step 2 of the Prevention of Significant Deterioration and Title V Greenhouse Gas (GHG) Tailoring Rule (Tailoring Rule). The EPA took this action in order to provide a mechanism for the EPA and delegated reviewing authorities to rescind PSD permits that are no longer required in light of the United States (U.S.) Supreme Court's decision in *Utility Air Regulatory Group (UARG) v. EPA* and the amended appeals court judgment in *Coalition for Responsible Regulation (Coalition) v. EPA*, vacating that rule. These decisions determined that Step 2 of the Tailoring Rule was not required under the Clean Air Act (CAA or Act) and vacated the EPA regulations implementing Step 2. When effective, this action will authorize the EPA and delegated reviewing authorities to rescind Step 2 PSD permits in response to requests from applicants who can demonstrate that they are eligible for permit rescission. This rule is effective on July 6, 2015. For further information contact Mrs. Jessica Montanez at (919) 541-3407 or montanez.jessica@epa.gov.

EPA Updates AP-42 for Refinery Emissions

On April 20, 2015, the EPA issued new and revised emission factors for flares and other refinery process units and issued its final determination that revisions to existing

emissions factors for tanks and wastewater treatment systems are not necessary. Specifically, the EPA finalized a new VOC emissions factor for flares. They also issued final emissions factors (or emissions estimation methodologies) for certain refinery operations and pollutants that are not covered by the consent decree. The other emissions factors include carbon monoxide (CO) for flares; oxides of nitrogen (NOX), total hydrocarbons (THC), and CO for sulfur recovery units; THC for catalytic reforming units; NOX for hydrogen plants; and hydrogen cyanide for fluid catalytic cracking units. The EPA updated Sections 5.1, 8.13, and 13.5 of AP-42, *Compilation of Air Pollutant Emission Factors*, to incorporate the new and revised emissions factors. For further information contact Ms. Gerri Garwood, at (919) 541-2406 or garwood.gerri@epa.gov.

EPA Approves TCEQ VOC Rule Revisions for DFW and HGB Areas

On May 13th, the EPA approved a Texas State Implementation (SIP) revision for control of volatile organic compound (VOC) emissions from degassing of storage tanks, transport vessels and marine vessels. The revision reformats the existing requirement to comply with current rule writing standards, adds additional control options for owner/operators to use when complying, clarifies the monitoring and testing requirements of the rule, and makes non-substantive changes to VOC control provisions that apply in the Beaumont-Port Arthur nonattainment area (Hardin, Jefferson and Orange Counties), four counties in the Dallas- (*continued*)



Fort Worth nonattainment area (Collin, Dallas, Denton - and Tarrant Counties), El Paso County, and the Houston-Galveston- Brazoria nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties). For further information contact Robert Todd, (214) 665-2156, todd.robert@epa.gov.

EPA Addresses GHG Emissions from Aircraft Engines

On June 10th, the EPA announced that greenhouse gas (GHG) emissions from certain classes of engines used in aircraft contribute to air pollution that causes climate change and endangers public health and welfare under section 231(a) of the Clean Air Act (CAA or the Act). The EPA is not at this time proposing aircraft engine GHG emission standards.

The EPA also issued an Advance Notice of Proposed Rulemaking that provides information on the process for setting an international CO₂ emissions standard for aircraft at the International Civil Aviation Organization (ICAO), and describes and seeks input on the potential use of section 231 of the Clean Air Act to adopt and implement the corresponding international aircraft engine CO₂ emissions standard domestically.

The EPA proposes to find that GHG emissions from engines used in U.S. subsonic jet aircraft with a maximum takeoff mass (MTOM) greater than 5,700 kilograms and in subsonic propeller driven (e.g., turboprop) aircraft with a MTOM greater than 8,618 kilograms, contribute to the GHG air pollution that endangers public health and welfare. Examples of covered aircraft would include smaller jet aircraft such as the Cessna Citation CJ2+ and the Embraer

E170, up to and including the largest jet aircraft - the Airbus A380 and the Boeing 747. Other examples of covered aircraft would include larger turboprop aircraft, such as the ATR 72 and the Bombardier Q400. The EPA is not at this time proposing a contribution finding for GHG emissions from engines used in military aircraft or smaller aircraft such as smaller turboprops, smaller jet aircraft, piston-engine aircraft, and helicopters. You can access the proposal and ANPR on EPA's Office of Transportation and Air Quality (OTAQ) Website: www.epa.gov/otaq/aviation.htm.

EPA Approves TCEQ's Stage I Vapor Recovery Requirements

On April 30th, the EPA approved revisions to the Texas State Implementation Plan (SIP) related to Stage I Regulations that were submitted by the State of Texas on November 12, 2014. The EPA evaluated the SIP submittal from Texas and determined these revisions are consistent with the requirements of the Clean Air Act (Act or CAA). Capturing the vapors from gasoline station storage tanks as tank-trucks fill these tanks, and returning the vapors to the tank-truck is commonly known as Stage I vapor recovery. The tank-truck then carries the vapors back to the bulk gasoline plant or terminal. To insure the vapors are not lost in transit, the Texas rules also include requirements that the gasoline tank-trucks be tested for vapor tightness. The EPA is approving the vapor recovery requirements and the vapor tightness requirements. This direct final rule is effective on June 29, 2015. For further information contact: Ms. Tracie Donaldson, (214) 665- 6633, donaldson.tracie@epa.gov.

TCEQ Adopts NO_x RACT Rule Changes

On May 15th, the TCEQ adopted rulemaking that will revise Chapter 117 to implement RACT requirements for all major sources of NO_x in the DFW area. The adopted rulemaking will revoke an exemption for utility (*continued*)



turbines and auxiliary steam boilers installed after November 15, 1992 in the DFW area, which previously relied on permitting to satisfy RACT requirements. The changes will rely instead on Chapter 117 rules to satisfy RACT and be consistent with other Chapter 117 rules in the DFW area. For owners or operators of boilers and process heaters used on a temporary basis, the adopted rulemaking will provide compliance flexibility to affected units in all areas covered by Chapter 117. The rulemaking will also repeal certain major source industrial rules and utility rules for the DFW area that are now obsolete due to the passing of compliance dates. Sources that were subject to these older rules are now required to comply with more stringent industrial and utility rules for the DFW area. The adopted rulemaking will implement only those RACT requirements that staff determines to be technologically and economically feasible. The adopted rulemaking will also establish emission limits and control requirements; implement work practice standards or operating requirements; require or update associated monitoring, recordkeeping, and reporting requirements; establish exemptions; and add other requirements necessary to implement RACT. The rulemaking will add compliance dates for the new or revised RACT rules and add compliance dates for sources that become subject to these rules after the initial compliance date. The rulemaking will also update existing compliance schedules and definitions to reflect the change in attainment status of Wise County. For more information visit the following website:

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/13049117_aex.pdf

TCEQ Revises Emission Banking Rules

On May 15th, the TCEQ revised four divisions of the Emission Banking and Trading (EBT) Program rules. These programs are market-based and allow the generation, use, and trading of either allowances based on historical emissions or credits based on emission reductions for offsets in Nonattainment New Source Review permits and for compliance with various air rules. The rule changes would revise the discrete emission reduction credit (DERC) limit in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment (DFW) area from an annually calculated value to a fixed value. This amendment is linked to revisions for the state implementation plan (SIP) for this area. The other revisions include amendments to increase the flexibility of using allowances as offsets, increase flexibility for the generation of credits, and better synchronizing the four divisions. Amendments for updated federal programs would be made to the Emission Credit and Discrete Emission Credit Programs. The amendments would remove outdated and redundant language, improve clarity, and add, remove, and amend definitions and provisions. The rule revisions will be submitted to the EPA as a revision to the Texas SIP.

The TCEQ proposed to remove the provisions for generating credits from area and mobile sources because of implementation issues. However, proposed revisions to the ozone standard substantially increase the need for credits in the future. Additionally, the TCEQ received significant public comment opposing the removal of these area source credit provisions. Therefore, the rules that allow an area or mobile source to generate credits would be retained. As

noted in the proposal preamble concerning the possibility of retaining these provisions, all of the proposed changes to the rules in Chapter 101, Subchapter H, Divisions 1 and 4 also apply to area sources in the adopted rules, but only limited changes would be made that would affect mobile source provisions. For more information visit:

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/14007101_aex.pdf



TCEQ Adopts VOC RACT Rule

On May 15th, the TCEQ adopted rule changes that revise divisions in Chapter 115, Subchapters B, C, D, E, and F to implement RACT as required by the FCAA for the emission source categories that have been identified as potentially being affected in the DFW area. Compliance is required for these sources by January 1, 2017, the compliance date prescribed in the EPA's implementation rule (80 FR 12264). The revisions are primarily adopted to expand the applicability of each rule and to extend the same RACT requirements currently applicable in the nine-county 1997 DFW eight-hour ozone nonattainment area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) to Wise County. Sources in Wise County that meet applicability criteria and do not qualify for exemption from the rules will be required to comply with emission limits and control requirements; implement work practice standards or operating requirements; and institute associated monitoring, recordkeeping, and reporting requirements.

Although Subchapter A, §115.10, Definitions is not being revised to implement RACT, it is necessary to make revisions to reflect the change in attainment status of Wise County. Adopted changes exclude Wise County from the definition of covered attainment counties and include it in the definition of the Dallas-Fort Worth area. The revisions adopted for the DFW area definition explicitly list the counties that are covered under the applicability of each rule in Chapter 115. Adopted changes to §115.10 also amend the definition of El Paso area and Internal floating roof.

Changes identified during a previous rulemaking regarding the VOC storage tank rules in Subchapter B, Division 1

(Rule Project No. 2010-025-115-EN) are being adopted in the DFW area. Specifically, adopted requirements will add control, inspection, and recordkeeping requirements for storage tank openings, including thief hatches and pressure relief valves; revoke exemptions for pre-1982 floating roof storage tanks; and alter the applicability of control requirements for storage tanks at pipeline breakout stations.

The following rules were affected by the TCEQ amendments:

- Subchapter B, Division 1, Storage of Volatile Organic Compounds
- Subchapter B, Division 2, Vent Gas Controls
- Subchapter C, Division 1, Loading and Unloading of Volatile Organic Compounds
- Subchapter E, Division 1, Degreasing Processes
- Subchapter E, Division 2, Surface Coating Processes
- Subchapter E, Division 5, Control Requirements for Surface Coating Processes
- Subchapter E, Division 6, Industrial Cleaning Solvents
- Subchapter E, Division 7, Miscellaneous Industrial Adhesives

Refer to the following website for more information:

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/13048115_aex.pdf



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New Environmental Compliance/ Waste/Wastewater Regulations

EPA Announces eDisclosure Self Audit Reporting System

On June 10th, the EPA announced plans for modernizing its Audit Policy & Small Business Compliance Policy. Issued in 2000, these policies offer penalty mitigation and other incentives for companies that discover, promptly disclose, and expeditiously correct environmental violations, and take steps to prevent future violations. EPA is modernizing implementation of these self-disclosure policies by creating a centralized web-based “eDisclosure” portal to meet these goals, and in a way that also will be easy for small businesses to use. Under the automated eDisclosure system, large and small businesses with more routine types of violations will more quickly get their disclosures resolved. At the same time, EPA is retaining the incentives outlined in its New Owner Policy and will continue to accept and process new owner disclosures outside the eDisclosure system. For more information visit:

<http://www2.epa.gov/enforcement/small-businesses-and-enforcement>

EPA to Add 1-Bromopropane to Form R Reporting List

On April 15th, the EPA proposed to add 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the

Pollution Prevention Act (PPA) of 1990. 1-Bromopropane has been classified by the National Toxicology Program in their 13th Report on Carcinogens as “reasonably anticipated to be a human carcinogen.” EPA believes that 1-bromopropane meets the EPCRA section 313(d)(2)(B) criteria because it can reasonably be anticipated to cause cancer in humans. For further information contact: Daniel R. Bushman at 202-566-0743 or bushman.daniel@epa.gov.

EPA Proposes Nanoscale Chemical Manufacturing Reporting Rule

On April 6th, the EPA proposed reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale as described in this rule. Specifically, EPA proposes to require persons that manufacture (defined by statute to include import) or process, or intend to manufacture or process these chemical substances to electronically report to EPA certain information, which includes the specific chemical identity, production volume, methods of manufacture and processing, exposure and release information, and existing data concerning environmental and health effects. This proposal involves one-time reporting for existing nanoscale materials and one-time reporting for new discrete nanoscale materials before they are manufactured or processed. For technical information contact: Jim Alwood at (202) 564-8974 or alwood.jim@epa.gov.



EPA Issues New MSGP Storm Water Permit

On June 4, 2015, the U.S. Environmental Protection Agency (EPA) issued a revised National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for storm water discharges from industrial activities. EPA's MSGP only applies in areas of the country where EPA remains the NPDES permitting authority and has made the permit available for coverage. At this time, all facilities desiring coverage under the MSGP need to submit Notice of Intent (NOIs) for coverage under the 2015 permit, including facilities already covered under the 2008 MSGP, **no later than September 2, 2015**.

The 2015 MSGP provisions are largely similar to the 2008 MSGP. The following is a summary of the most significant changes:

- Revised threatened and endangered species eligibility procedures.
- Additional specificity for several of the technology-based effluent limits (i.e., control measures) for clarity.
- A requirement that facilities discharging to a small number of federal Superfund sites notify their EPA regional office prior to filing their Notice of Intent (NOI).
- Streamlining of Storm water Pollution Prevention Plan (SWPPP) documentation (i.e., facilities do not have to expound on their compliance with certain effluent limits).
- Public accessibility to SWPPP information, either by posting on the Internet or by incorporating salient information into the NOI.

- Electronic submission for the NOI, Notice of Termination, annual report, and monitoring.
- Reduced requirements for inspections (i.e., facilities no longer have to conduct a separate comprehensive site inspection).
- Specific deadlines for taking corrective actions.
- Inclusion of saltwater benchmark values for metals.
- Inclusion of the Airport Deicing Effluent Limitation Guideline for the air transportation sector.

For further information contact Bryan Rittenhouse at 202-564-0577 or email: rittenhouse.bryan@epa.gov.

EPA Proposes Oil & Gas Pretreatment Rule

On April 7th, the EPA proposed pretreatment standards that would prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas extraction facilities to POTWs. Unconventional oil and gas (UOG) extraction wastewater can be generated in large quantities and contains constituents that are potentially harmful to human health and the environment. Because they are not typical of POTW influent wastewater, some UOG extraction wastewater constituents can be discharged, untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (e.g., by inhibiting biological treatment); can accumulate in biosolids (sewage sludge), limiting their use; and can facilitate the formation of harmful disinfection by-products (DBPs). Based on the information collected by EPA, the requirements in this proposal reflect current industry practices for unconventional oil and gas extraction facilities, therefore, EPA does not project the proposed rule will impose any costs or lead to pollutant removals, but will ensure that such current industry best practice is maintained.



ISO 14001 Standard Revision Nearing Completion

The ISO 14001 working group revising the international environmental management systems standard has finalized the technical requirements of the new standard. ISO 14001:2015 contains significant changes to the 2004 edition, including requirements to: understand the strategic context of the organization and the needs and expectations of interested parties; integrate environmental management in core business processes; ensure the reliability of information communicated; evaluate risks and opportunities, both to the environment and the organization; take a life cycle perspective; extent control and influence through supply chains and design processes. Significant additional emphasis is given to continual improvement of environmental performance. Following a final edit and translation, a ballot of ISO members will be conducted in July and August, with the new ISO 14001:2015 standard set for publication in September. The International Accreditation Forum has set a three- year period for the 300,000 certificate holders worldwide to transition to the new standard.

EPA Releases Technical Guides for Vapor Intrusion Assessment

EPA released two technical guides to support assessment and mitigation activities at sites where vapor intrusion is an actual or potential concern. Vapor intrusion refers to the migration of hazardous vapors from contaminated subsurface sources such as groundwater through soil into overlying building and structures. Exposure to these vapors by building occupants can potentially pose both acute and chronic health risks. Vapor intrusion is a potential concern at any building—existing or planned—located near soil or groundwater contaminated with vapor-forming toxic chemicals.

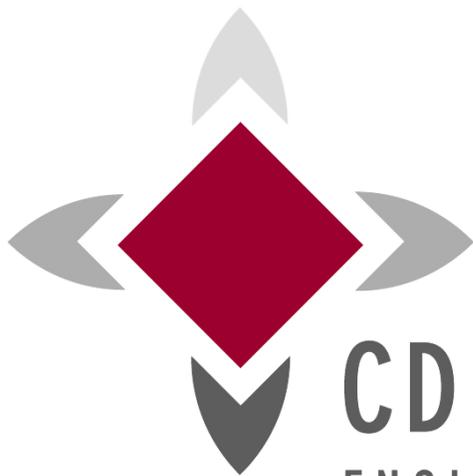
The Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air applies to all sites being evaluated under federal land cleanup statutes. A companion document, the Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites addresses any sites where vapor intrusion related to petroleum contamination from underground storage tanks is a potential concern. To access the documents online and for additional information on vapor intrusion:

<http://www.epa.gov/oswer/vaporintrusion/>

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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