



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

2nd Qtr | 2017

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.

Table of Contents

	Page
NESHAP: Ferroalloys Production	2
Promulgation of Texas; Regional Haze SIP	2
TCEQ Approves Cross-State Air Pollution Rule	3
Technical Correction to the NAAQS for Particulate Matter	3
Proposed Emissions Banking and Trading Revisions for Area and Mobile Source Credit Generation	4
Approval Oklahoma SIP; Infrastructure for the Pb, O3, NO2 and SO2 NAAQS	4
Final NPDES Construction General Permit	5
Results of EPA's Review of Existing Drinking Water Standards	5
RMP Accidental Release Prevention Requirements	6
EPA Proposes Regulation of TCE Use in Vapor Degreasing	6
Prioritization of Chemicals the TSCA	6
TSCA Inventory Notification Requirements	7
Regulation of Certain Uses Under TSCA Section 6(a)	7
Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas	8
Hazardous Waste Generator Improvements Rule	8
Upcoming Compliance Reminders	9



Helping you achieve
your environmental
compliance goals.



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

New Air Regulations

NESHAP: Ferroalloys Production

This action sets forth the Environmental Protection Agency's (EPA's) final decision on the issues for which it announced reconsideration on July 12, 2016, that pertain to certain aspects of the June 30, 2015, final amendments for the Ferroalloys Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). The EPA is amending the rule to allow existing facilities with positive pressure baghouses to perform visible emissions monitoring twice daily as an alternative to installing and operating bag leak detection systems (BLDS) to ensure the baghouses are operating properly. In addition, this final action explains that EPA is maintaining the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits. However, this final action revises the rule such that it references the recently updated version of the DCOT method. In this action, the EPA also explains that no changes are being made regarding the rule provision that requires quarterly polycyclic aromatic hydrocarbons (PAH) emission testing for furnaces producing ferromanganese (FeMn) with an opportunity for facilities to request decreased compliance test frequency from their permitting authority after the first year. Furthermore, in this action, the EPA is denying the request for reconsideration of the PAH emission limits for both FeMn and silicomanganese (SiMn) production furnaces. This final action is effective as of January 18, 2017. For additional information, contact Phil Mulrine at (919) 541-5289 or mulrine.phil@epa.gov.

Promulgation of Texas; Regional Haze SIP

Pursuant to the Federal Clean Air Act (CAA or Act), the EPA is proposing to promulgate a Federal Implementation Plan (FIP) in Texas to address the remaining outstanding requirements that are not satisfied by the Texas Regional Haze State Implementation Plan (SIP) submission. Specifically, the EPA proposes SO₂ limits on 29 Electric Generating Units (EGUs) located at 14 Texas facilities to fulfill requirements for the installation and operation of the Best Available Retrofit Technology (BART) for SO₂. To address the requirement for NO_x BART for Texas EGU sources, we are proposing a FIP that relies upon two other EPA rulemakings, one already final and one proposed, which together will establish that participation in the Cross-State Air Pollution Rule (CSAPR) continues to qualify as an alternative to NO_x BART for EGUs in Texas. We also are proposing to disapprove the portion of the Texas Regional Haze SIP that addresses the BART requirement for EGUs for Particulate Matter (PM) and proposing a FIP with PM BART limits for EGUs at 29 EGUs located at 14 Texas facilities, based on existing practices and control capabilities. In addition, we propose to reconsider and re-propose disapproval of portions of several SIP revisions submitted to satisfy the requirement to address interstate visibility transport for six NAAQS and that the FIP emission limits we are proposing meet the interstate visibility transport requirements for these NAAQS. For additional information, contact Joe Kordzi at 214-665-7186; or Kordzi.joe@epa.gov.



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

TCEQ Approves Cross-State Air Pollution Rule

Revisions to 30 Texas Administrative Code (TAC) Chapter 122 reflect correct and upto-date requirements associated with these federal regulations as they relate to the Federal Operating Permits (FOP) Program. The federal initiatives or regulations addressed as part of this rulemaking include the Clean Air Interstate Rule (CAIR), the (CSAPR), and the permitting of greenhouse gases (GHGs).

More specifically, the changes to Chapter 122 adopted in this rulemaking are intended to address the replacement of CAIR with CSAPR. On February 1, 2017, the Commission approved the adoption of amended and repealed sections of 30 TAC Chapter 122 and corresponding revisions to the state implementation plan, effective February 23, 2017. This rulemaking eliminates references to CAIR throughout Chapter 122 to clarify that CAIR is no longer an applicable requirement under the FOP Program. This rulemaking also amends the Chapter 122 definition of "Applicable requirement" to clarify that CSAPR is an applicable requirement. In addition, this rulemaking removes requirements and references to GHG emissions and GHG permitting in Chapter 122, in line with the Supreme Court ruling which determined that emissions of GHGs by themselves do not trigger federal operating permit requirements. Other minor changes are adopted to update rule cross-references and correct minor grammatical errors.

After February 23, 2017, all SOP applications which include any units that are subject to CSAPR requirements, including revised SOPs in which any revision items are associated with existing units that were subject to CAIR

requirements, must include CSAPR requirements in place of CAIR requirements as applicable. Any pending application which includes CAIR applicability, and for which notice has not yet been published by February 23, 2017, must include CSAPR requirements. In order to avoid any potential noncompliance situations, any pending SOP applications which include CAIR applicability, and for which notice has been published prior to February 23, 2017, will require either a separate minor revision application to be submitted before operating a unit that is the affected CSAPR source, or addition of the CSAPR terms and extension of the current public notice comment period.

Technical Correction to the NAAQS for Particulate Matter

The EPA is taking final action to make a technical correction to equation 2 in appendix N to part 50, section 4.4(b) of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter. Equation 2 in appendix N describes an intermediate step in the calculation of the design value for the annual PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) NAAQS. This action corrects Equation 2 to properly account for cases where a site has quarters without daily values and passes the minimum quarterly value data substitution test. This change accurately reflects the intended calculation of the annual PM_{2.5} design value and is consistent with the text of section 4.1 in appendix N to part 50. This final rule is effective on May 19, 2017. Mr. Brett Gantt telephone number: (919) 541-5274; email address: gantt.brett@epa.gov.



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

Proposed Emissions Banking and Trading Revisions for Area and Mobile Source Credit Generation

This rulemaking would revise two divisions of emissions banking and trading (EBT) rules in 30 Texas Administrative Code (TAC) Chapter 101, Subchapter H, which define several market-based programs that provide sites with additional flexibility for complying with air regulations. The current EBT rules allow an area or mobile source to generate emission credits from emissions reductions that are demonstrated to be real, quantifiable, permanent, enforceable, and surplus to the state implementation plan (SIP) and all applicable rules, and discrete emission credits from reductions that are real, quantifiable, and surplus to the SIP and all applicable rules. However, research into the feasibility of generating area and mobile source credits uncovered significant implementation issues associated with ensuring that area and mobile source credits meet the EPA and Federal Clean Air Act (FCAA) requirements. For additional information, contact Guy Hoffman, Rule Project Manager, Air Quality Division, (512) 239-1981.

Approval Oklahoma SIP; Infrastructure for the Pb, O3, NO2 and SO2 NAAQS

Under the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) submissions from the State of Oklahoma regarding the 2008 Lead (Pb), 2008 Ozone, 2010 Nitrogen Dioxide (NO₂), and 2010 Sulfur Dioxide (SO₂) 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 NO₂ emissions. This rule is effective on January 9, 2017. Ms. Carrie Paige, 214-665-6521, paige.carrie@epa.gov.



Let us know how we can
apply our experience to
make your job easier.

New Environmental Compliance/ Waste/Wastewater Regulations

Final NPDES Construction General Permit

The EPA issued the 2017 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities to waters of the United States, also referred to as the “2017 Construction General Permit (CGP).” The 2017 CGP replaces the existing general permit (the “2012 CGP”) covering stormwater discharges from construction activities that expired on February 16, 2017. EPA is issuing this permit for five (5) years, during which time the permit will make available coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority. This Federal Register notice describes the 2017 CGP in general and provides a summary of the significant changes from the 2012 CGP. For further information on the permit, contact the appropriate EPA Regional office or Emily Halter at 202-564-3324 or email: halter.emily@epa.gov.

Results of EPA's Review of Existing Drinking Water Standards

The Safe Drinking Water Act (SDWA) requires EPA to conduct a review every six years of existing national primary drinking water regulations (NPDWRs) and determine which, if any, need to be revised. The purpose of the review, called the Six-Year Review, is to evaluate current information for regulated contaminants to determine

if there is new information on health effects, treatment technologies, analytical methods, occurrence and exposure, implementation and/or other factors that provides a health or technical basis to support a regulatory revision that will improve or strengthen public health protection. EPA has completed a detailed review of 76 NPDWRs and at this time has determined that eight NPDWRs are candidates for regulatory revision. The eight NPDWRs are included in the Stage 1 and the Stage 2 Disinfectants and Disinfection Byproducts Rules, the Surface Water Treatment Rule, the Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. EPA requests comments on the eight NPDWRs identified as candidates for revision and will consider comments and data as it proceeds with determining whether further action is needed. In addition, as part of this Six-Year Review, EPA identified 12 other NPDWRs that were or continue to be addressed in recently completed, ongoing or pending regulatory actions. EPA thus excluded those 12 NPDWRs from detailed review. This is not a final regulatory decision, but rather the initiation of a process that will involve more detailed analyses of factors relevant to deciding whether a rulemaking to revise an NPDWR should be initiated. For general information about the existing NPDWRs discussed in this action, contact the Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426-4791.



Let us know how we can
apply our experience to
make your job easier.

RMP Accidental Release Prevention Requirements

The EPA, in response to Executive Order 13650, is amending its Risk Management Program (RMP) regulations. The revisions contain several changes to the accident prevention program requirements including an additional analysis of safer technology and alternatives as part of the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes; enhancements to the emergency preparedness requirements; increased public availability of chemical hazard information; and several other changes to certain regulatory definitions and data elements submitted in risk management plans. These amendments seek to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources. This final rule was effective on March 14, 2017. For additional information, contact James Belke at (202) 564-8023 or belke.jim@epa.gov.

EPA Proposes Regulation of TCE Use in Vapor Degreasing

Trichloroethylene (TCE) is a volatile organic compound widely used in industrial and commercial processes and has some limited uses in consumer and commercial products. EPA identified significant health risks associated with TCE

use in vapor degreasing and EPA's proposed determination is that these risks are unreasonable risks. To address these unreasonable risks, EPA is proposing under section 6 of the TSCA to prohibit the manufacture (including import), processing, and distribution in commerce of TCE for use in vapor degreasing; to prohibit commercial use of TCE in vapor degreasing; to require manufacturers, processors, and distributors, except for retailers of TCE for any use, to provide downstream notification of these prohibitions throughout the supply chain; and to require limited recordkeeping. For technical information contact Cindy Wheeler at (202) 566-0484 or wheeler.cindy@epa.gov.

Prioritization of Chemicals the TSCA

EPA is proposing to establish a risk-based screening process and criteria that EPA will use to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted at the time. The proposed rule describes the processes for identifying potential candidates for prioritization, selecting a candidate, screening that candidate against certain criteria, formally initiating the prioritization process, providing opportunities for public comment, and proposing and finalizing designations of priority. Prioritization is the initial step in a new process of existing chemical substance review and risk management activity established under recent amendments to Toxic Substances Control Act (TSCA). For technical information contact Ryan Schmit at (202) 564-0610 or schmit.ryan@epa.gov.



Let us know how we can
apply our experience to
make your job easier.

TSCA Inventory Notification Requirements

The recent amendments to the TSCA require EPA to designate chemical substances on the TSCA Chemical Substance Inventory as either “active” or “inactive” in U.S. commerce. To accomplish that, EPA is proposing to require a retrospective electronic notification of chemical substances on the TSCA Inventory that were manufactured (including imported) for non-exempt commercial purposes during the ten-year time period ending on June 21, 2016. EPA would also accept such notices for chemical substances that were processed. EPA would use these notifications to distinguish active substances from inactive substances. EPA would include the active and inactive designations on the TSCA Inventory and as part of its regular publications of the Inventory. EPA is also proposing to establish procedures for forward-looking electronic notification of chemical substances on the TSCA Inventory that are designated as inactive, if and when the manufacturing or processing of such chemical substances for non-exempt commercial purposes is expected to resume. Upon receipt of a valid notice, EPA would change the designation of the pertinent chemical substance on the TSCA Inventory from inactive to active. EPA is proposing the procedures regarding the manner in which such retrospective and forward-looking activity notifications must be submitted, the details of the notification requirements, exemptions from such requirements, and procedures for handling claims of confidentiality. For technical information contact Myrta R. Christian at (202) 564-8498 or christian.myrta@epa.gov.

Regulation of Certain Uses Under TSCA Section 6(a)

Methylene chloride, also called dichloromethane, is a volatile chemical that has a variety of uses, including paint and coating removal. N-methylpyrrolidone (NMP) is a solvent used in a variety of applications, including paint and coating removal. For each of these chemicals, EPA has identified risks of concern associated with their use in paint and coating removal. EPA proposes a determination that these are unreasonable risks. EPA is proposing to prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer and most types of commercial paint and coating removal under section 6 of the TSCA. EPA is also proposing to prohibit the use of methylene chloride in these commercial uses; to require manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require recordkeeping. EPA is proposing an initial ten-year time-limited exemption from these proposed regulations on methylene chloride for coating removal uses critical for national security. First, EPA is proposing to prohibit the manufacture (including import), processing, and distribution in commerce of NMP for all consumer and commercial paint and coating removal; to prohibit the use of NMP for all commercial paint and coating removal; to require, consistent with methylene chloride restrictions, downstream notification of these prohibitions throughout the supply chain; to require recordkeeping; and to provide a time-limited exemption from these proposed regulations on NMP for coating removal uses critical for national security.

(Continued)



Let us know how we can
apply our experience to
make your job easier.

For NMP, as an alternate proposal, EPA is proposing that (1) commercial users of NMP for paint and coating removal establish a worker protection program for dermal and respiratory protection and not use paint and coating removal products that contain greater than 35 percent NMP by weight (except for product formulations destined to be used by DoD or its contractors performing work only for DOD projects); and (2) processors of products containing NMP for paint and coating removal reformulate products such that these products do not exceed a maximum of 35 percent NMP by weight, identify gloves that provide effective protection for the formulation, and provide warning and instruction labels on the products. For technical information contact Ana Corado at 202-564-0140 or corado.ana@epa.gov.

Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas

The EPA Region 6 proposes to reissue the National Pollutant Discharge Elimination System (NPDES) general permit for the Territorial Seas of Texas (No. TXG260000) for discharges from existing and new dischargers and New Sources in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category as authorized by section 402 of the Clean Water Act, 33 U.S.C. 1342. The permit will supersede the previous general permit (TXG260000) issued on February 8, 2012 and published in the Federal

Register at 77 FR 8855. This permit renewal authorizes discharges from exploration, development, and production facilities located in and discharging to the territorial seas off Texas. For additional information, contact Ms. Evelyn Rosborough at (214) 665-7515 or rosborough.evelyn@epa.gov.

Hazardous Waste Generator Improvements Rule

With this action, the United States Environmental Protection Agency (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. For additional information, contact Jim O'Leary at (703) 308-8827 or oleary.jim@epa.gov.

Upcoming Compliance Reminders

April

10	❖ Groundwater or Purchased Water Systems: DLQOR
20	❖ Wastewater Discharge: Quarterly biomonitoring DMR and tables

MAY

3-4	❖ The 2016 Environmental Trade Fair and Conference, Austin Convention Center
------------	--

JUNE

15	<ul style="list-style-type: none"> ❖ Liquid Waste Transporter: annual summary ❖ Sludge Transporter: renewal of registration, every two years
30	❖ Categorical Industrial Users that discharge to a publicly owned treatment works without an approved pretreatment program: semi-annual report

JULY

1	<ul style="list-style-type: none"> ❖ Toxics Release Inventory annual reports due to the EPA ❖ Sludge Transporter: annual summary report ❖ Community water systems: CCR Certificate of Delivery to TCEQ ❖ Waste Reduction Policy Act: annual progress report
20	❖ Wastewater Discharge: Quarterly/semiannual biomonitoring DMR and tables

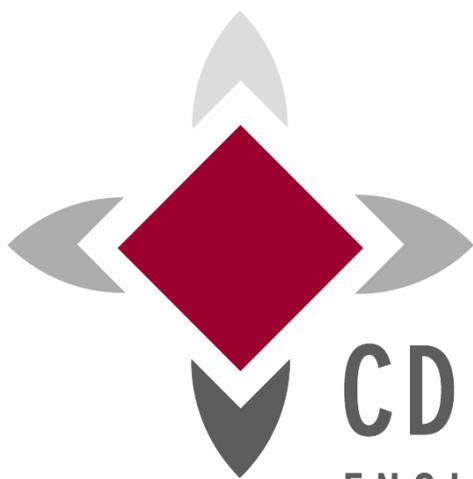
Plan Ahead!

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.

972-889-7200

ddurant@cdenvironmentaleng.com



CD ENVIRONMENTAL
ENGINEERING LLC