



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

2st Qtr | 2018

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

New Air Regulations

Approval of Permitting and Public Participation for Air Quality Permit Applications

The Environmental Protection Agency (EPA) is proposing to approve three revisions to the Texas State Implementation Plan (SIP). On February 21, 2017, the TCEQ submitted three separate revisions to the Texas SIP revising the public notice provisions applicable to air quality permit applications. The revisions to 30 TAC Chapters 39 and 55 make non-substantive revisions to the existing SIP requirements. The revisions to repeal the Chapter 116 public notice provisions remove obsolete requirements that have been replaced with the existing SIP public notice provisions in Chapter 39. The revisions to 30 TAC Chapter 39 and 55 substantively revise the existing public notice SIP requirements for concrete batch plant standard permits such that the notice requirements are consolidated into one 30-day notice period that satisfies the requirements of minor NSR public participation. The EPA has determined it is appropriate to approve these three revisions to the Texas SIP because these revisions continue to be consistent with federal requirements for public notice and therefore, will not interfere with attainment or reasonable further progress. For additional information, please contact Adina Wiley at 214-665-2115 or wiley.adina@epa.gov.

Promulgation of Oklahoma SIP

The EPA is proposing to approve revisions to the State Implementation Plan (SIP) for Oklahoma submitted by the State of Oklahoma designee with a letter dated February 14, 2017. The submittal covers updates to the Oklahoma SIP, as contained in annual SIP updates for 2013, 2014, 2015, and 2016, and incorporates the latest changes to the EPA regulations. The overall intended outcome of this action is to make the approved Oklahoma SIP consistent with current Federal and State requirements. This action is being taken in accordance with the federal Clean Air Act (the Act) March 22, 2018. For additional information, please contact Mr. Alan Shar at (214) 665-6691 or shar.alan@epa.gov.

Approval of Texas SIP for Texas Motor Vehicle Rule Revisions

EPA is approving revisions submitted by the State of Texas that affect the Texas SIP concerning Texas' motor vehicle air pollution rules and retail gasoline dispensing labeling requirements for El Paso. The revisions are non-substantive in nature and do not affect implementation of federal requirements. This rule is effective on May 29, 2018 without further notice. For additional information, please contact Mr. John Walser, at 214-665-7128 or walser.john@epa.gov.



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NESHAP Delegation of Authority to TCEQ

The Texas Commission on Environmental Quality (TCEQ) has submitted updated regulations for receiving delegation of the EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by the EPA, as amended between April 24, 2013 and August 3, 2016. The delegation of authority under this action does not apply to sources located in Indian Country. The EPA is taking direct final action to approve the delegation of certain NESHAPs to TCEQ. This rule is effective on March 13, 2018 without further notice. For additional information, please contact Mr. Rick Barrett at (214) 665-7227 or barrett.richard@epa.gov.

Approval of Texas SIP for Infrastructure and Interstate Transport for the 2012 PM_{2.5}

The EPA is proposing to approve elements of a SIP submission from the State of Texas for the 2012 primary fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS). This submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2012 PM_{2.5} NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the Texas SIP is adequate to meet the state's responsibilities under the CAA.

EPA is proposing to approve the majority of the December 1, 2015 infrastructure SIP submission from Texas, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2012 PM_{2.5} NAAQS. For additional information, please contact Sherry Fuerst at (214) 665-6454 or fuerst.sherry@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

Proposed Implementation of Federal PST Rule Updates

In order for the State of Texas to be consistent with federal underground storage tank (UST) requirements, the TCEQ must incorporate specific EPA rule changes into state rules after promulgation.

In 1988, the EPA promulgated UST regulations (40 Code of Federal Regulations (CFR) Part 280), which set minimum standards for new tanks and required owners and operators of existing tanks to upgrade, replace, or remove those not in compliance. That same year, the EPA also promulgated regulations for state program approval (40 CFR Part 281), which allows states to operate a UST regulatory program in lieu of federal regulation.

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 (EPAct). 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 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.

The proposed rulemaking would include rule revisions required by the EPA pertaining to USTs.

The revisions include:

- adding periodic operation and maintenance requirements for UST systems;
- adding requirements to ensure UST system compatibility before storing certain biofuel blends; and
- updating codes of practice.

For additional information, please contact Cynthia Gandee, Rule Project Manager, Compliance and Enforcement at (512) 239-0179.



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EPA Approval of Oklahoma UST Program

The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Oklahoma's Underground Storage Tank (UST) program submitted by the State. EPA has determined that these revisions satisfy all requirements needed for program approval. This action also codifies EPA's approval of Oklahoma's state program and incorporates by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule is effective March 12, 2018. For additional information, please contact Audray Lincoln at (214) 665-2239 or lincoln.audray@epa.gov.

Upcoming Compliance Reminders

April

10	❖ Groundwater or Purchased Water Systems: Disinfectant Level Quarterly Operating Report (DLQOR)
20	❖ Wastewater Discharge: Quarterly biomonitoring DMR and tables

May

15-16	❖ 2018 Environmental Trade Fair and Conference at the Austin Convention Center
20	❖ Public drinking water systems that provide water to a community water system(s) certify to the TCEQ that the applicable CCR information was delivered to their receiving systems

June

3	❖ Stormwater Construction General Permit: Last day to renew permit coverage. This general permit coverage must be renewed every fifth year.
27	❖ Dam Safety Workshop for Owners and Operators <u>J.J. Pickle Research Campus, The University of Texas at Austin</u> Early Registration: \$65.00 ends 6/7/2018 Midnight CST / On-site Registration: \$75.00
30	❖ Categorical Industrial Users that discharge to a publicly owned treatment works without an approved pretreatment program: semi-annual report

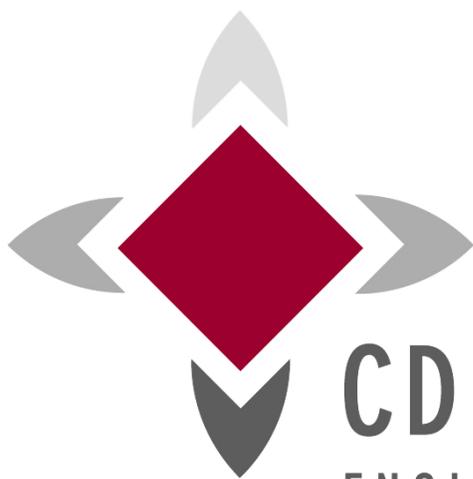
Plan Ahead!

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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