



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

2nd Qtr | 2022

We hope you enjoy reading our newsletter providing recent compliance updates or changes. Our newsletter is only available by e-mail or from our website. 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

Reclassification of Areas Classified as Serious for the 2008 O₃ NAAQS

EPA proposes three actions pursuant to section 181(b)(2) of the Clean Air Act (CAA) related to seven areas classified as “Serious” for the 2008 ozone National Ambient Air Quality Standards (NAAQS). First, the Agency proposes to determine that one area attained the 2008 ozone NAAQS by the July 20, 2021, attainment date. Second, the Agency proposes to deny a request for a 1-year attainment date extension for one area and to determine that the area failed to attain the 2008 ozone NAAQS by the attainment date, while also taking comment on granting that request. Third, the Agency proposes to determine that five areas failed to attain the 2008 ozone NAAQS by the attainment date and do not qualify for a 1-year attainment date extension.. The effect of failing to attain by the attainment date is that such areas will be reclassified by operation of law to “Severe” upon the effective date of the final reclassification notice. Except for one separate tribal area, states will need to submit state implementation plan (SIP) revisions that meet the statutory and regulatory requirements for any areas reclassified as Severe for the 2008 ozone NAAQS. The EPA proposes deadlines for submission of those SIP revisions and for implementation of the related control requirements. Additionally, for any areas reclassified as Severe, where not already prohibited, the CAA would prohibit the sale of conventional gasoline and require that federal reformulated gasoline instead be sold beginning 1 year after the effective date of the reclassification. This action, when finalized, will fulfill the EPA's statutory

obligation to determine whether ozone nonattainment areas attained the NAAQS by the attainment date and to publish a document in the Federal Register identifying each area that is determined as having failed to attain and identifying the reclassification. Several areas included in this proposed rule are also addressed in a separate rulemaking to determine whether areas classified as “Marginal” for the 2015 ozone NAAQS attained the standard by the applicable attainment date of August 3, 2021. For additional information, contact Robert Lingard at: (919) 541-5272 or lingard.robert@epa.gov.

El Paso County Emissions Inventory SIP for the 2015 8-Hour O₃ NAAQS

On June 15, 2022, the TCEQ will consider proposal of the executive director’s recommended 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Emissions Inventory (EI) State Implementation Plan (SIP) Revision for the El Paso County portion of the El Paso-Las Cruces, Texas-New Mexico Nonattainment Area. The proposed SIP revision would satisfy the federal Clean Air Act, §172(c)(3) and §182(a)(1) EI reporting requirements for El Paso County for the 2015 eight-hour ozone NAAQS. The proposed SIP revision would also include a certification statement to confirm that the emissions statements and nonattainment new source review requirements have been met for El Paso County.

For additional information, please visit the [Air Pollution from Ozone](#) webpage.



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TCEQ PBR 106.261/262

Effective July 1, 2022, the Texas Commission on Environmental Quality (TCEQ or commission) may not accept registrations submitted for Permits by Rule §106.261 and §106.262 if the accompanying workbook is not included with the submittal.

Effective September 1, 2022, the TCEQ may not accept Permit by Rule registrations that do not include a Table 1(a) or equivalent emission summary table, emission calculations or a process/project description.

If a registration is not accepted, the company will be notified, and the registration can be resubmitted within six months at no additional cost.

MACT and GACT Standards Update

TCEQ administers federal regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) by incorporating these regulations by reference into Chapter 113, Subchapter C, of the Texas Administrative Code. The United States Environmental Protection Agency (EPA) has amended several Maximum Achievable Control Technology (MACT) and Generally Available Control Technology (GACT) standards since Chapter 113, Subchapter C was last amended in 2016. Under the Federal Clean Air Act (FCAA), the EPA is required to periodically conduct risk assessments on each source category and determine if changes are needed to reduce residual risks or address developments in applicable control technology. The EPA conducted the risk assessment

and incorporated necessary changes in the Federal Register rule titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act." These amendments implement the plain language reading of section 112 of the FCAA that allows a "major source" of hazardous air pollutants (HAP) to reclassify as an "area source" at any time after acting to limit emissions. These amendments also codify the EPA's January 25, 2018 Major MACT to Area (MM2A) policy memorandum that reversed the 1995 "Once In, Always In" policy, which made all major source designations permanent regardless of whether emission reductions lowered facility emissions of HAP to less than major source thresholds. The amendments also clarify and update work practice standards, compliance dates, recordkeeping, monitoring, reporting, and notification, including electronic notification. TCEQ should incorporate the amended standards into Chapter 113, Subchapter C to avoid inconsistency between federal and state requirements; to allow the commission to enforce the most current MACT and GACT standards prior to receiving formal delegation of the amended standards; to facilitate delegation of the amended MACT standards from the EPA; and to maintain existing delegation.

The proposed rulemaking would incorporate by reference changes made by the EPA to MACT and GACT standards. The amendments to Chapter 113, Subchapter C would avoid any inconsistencies between federal and state requirements



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2010 SO₂ NAAQS Nonattainment Areas Attainment Control Measures.

The EPA established the maximum level of SO₂ in the air to protect human health. The air quality in parts of Howard, Hutchinson, and Navarro Counties does not meet the EPA's standard for SO₂. As a result, the TCEQ is proposing new rules to limit SO₂ that were determined to have the biggest impact on SO₂ levels in those areas. If the rules are adopted, they will be submitted to the EPA as part of Texas' attainment plan (known as a State Implementation Plan or SIP). Emission reductions from the proposed rules are included in proposed attainment plans for Howard County, Hutchinson County, and Navarro County and show how the areas will meet the EPA's SO₂ standard by April 30, 2026, the deadline set by the EPA.

The proposed rulemaking would add new rules in Subchapters E, F, and G of 30 Texas Administrative Code (TAC) Chapter 112, Control of Air Pollution from Sulfur Compounds, to reduce SO₂ emissions from sources in Howard, Hutchinson, and Navarro Counties. The proposed rules include maximum emission limits and would require monitoring, recordkeeping, reporting, and testing to help ensure the emission limits are met. Compliance with the proposed emission limits may require installation of a new control device; changing the raw materials or fuels used; modifying a process; or changing maintenance, startup, and shutdown procedures. The sources subject to the proposed rules are at the Delek Big Spring Refinery and the Tokai

Big Spring Carbon Black Plant in Howard County; the Chevron Phillips Chemical Borger Plant, the IACX Rock Creek Gas Plant, the Orion Borger Carbon Black Plant, the P66 Borger Refinery, and the Tokai Borger Carbon Black Plant in Hutchinson County; and the Arcosa Streetman Plant in Navarro County.

FIP Regional O₃ Transport for the 2015 O₃ NAAQS

This action proposes Federal Implementation Plan (FIP) requirements to address twenty-six states' obligations to eliminate significant contribution to nonattainment, or interference with maintenance, of the 2015 ozone NAAQS in other states. The EPA is proposing this action under the "good neighbor" or "interstate transport" provision of the Clean Air Act (CAA). The Agency proposes establishing nitrogen oxides emissions budgets requiring fossil fuel-fired power plants in 25 states to participate in an allowance-based ozone season trading program beginning in 2023. The Agency is also proposing to establish nitrogen oxides emissions limitations applicable to certain other industrial stationary sources in 23 states with an earliest possible compliance date of 2026. These industrial source types are: Reciprocating internal combustion engines in Pipeline Transportation of Natural Gas; kilns in Cement and Cement Product Manufacturing; boilers and furnaces in Iron and Steel Mills and Ferroalloy Manufacturing; furnaces in Glass and Glass Product Manufacturing; and high-emitting equipment and large boilers in Basic Chemical Manufacturing, Petroleum and Coal Products Manufacturing, and Pulp, Paper, and Paperboard Mills. For additional information, contact Ms. Elizabeth Selbst, at (919)-541-3918 or Selbst.elizabeth@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

Criteria for the Certification of the Waste Isolation Pilot Plant's Compliance

The EPA recertifies that the U.S. Department of Energy's (DOE or the Department) Waste Isolation Pilot Plant (WIPP) continues to comply with the final disposal regulations, known as the "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Waste." This is the fourth periodic evaluation of the WIPP's continued compliance with the disposal regulations and WIPP Compliance Criteria. The WIPP Compliance Criteria implement and interpret the disposal regulations specifically for the WIPP. This recertification process is required every five years. This recertification decision is based on a thorough review of information submitted by DOE, independent technical analyses and public comments. The Agency has determined that DOE continues to meet all applicable requirements of the final disposal regulations and the WIPP Compliance Criteria and recertifies the WIPP facility. EPA has also identified areas in which the DOE's technical analyses and justifications could be improved for the next recertification application. For additional information, please contact Ray Lee at 202-343-9463 or lee.raymond@epa.gov.

Asbestos; Reporting and Recordkeeping Requirements (TSCA)

The EPA is proposing reporting and recordkeeping requirements for asbestos under the Toxic Substances Control Act (TSCA). EPA proposes to require certain persons that manufactured (including imported) or processed asbestos and asbestos-containing articles (including as an impurity) in the four years prior to the date of publication of the final rule to electronically report certain exposure-related information. This action would result in a one-time reporting obligation. EPA emphasizes that this proposed requirement would include asbestos that is a component of a mixture. The information sought includes quantities of asbestos (including asbestos that is a component of a mixture) and asbestos-containing articles that were manufactured (including imported) or processed, types of use, and employee data. Reported information would be used by EPA and other Federal agencies in considering potential future actions, including risk evaluation and risk management activities. EPA is requesting public comment on all aspects of this proposed rule and has also identified items of particular interest for public input. Contact Daniel R. Ruedy at (202) 564-7974; or: ruedy.daniel@epa.gov.



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Triennial Revision of Texas Surface Water Quality Standards

Amendments are proposed to the Texas Surface Water Quality Standards (TSWQS), 30 Texas Administrative Code (TAC) §§307.2 -307.4, 307.6, 307.7, and 307.10. The proposed revisions are a result of a review of the TSWQS as required on a triennial basis by federal Clean Water Act (CWA), §303(c). The TSWQS were last revised in February 2018, and portions of the 2018 TSWQS were approved by the United States Environmental Protection Agency (EPA) in November 2018, May 2019, January 2020, July 2020, and March 2021.

The revisions to the TSWQS are proposed to incorporate new information and the results from studies on the appropriate uses and criteria of individual water bodies, incorporate new scientific data on the effects of specific pollutants, and address new provisions in federal regulations and EPA guidance.

Specific proposed changes to the rules include:

- revisions to statewide toxic criteria to incorporate new data on toxicity effects and address revised EPA procedures;
- revisions and additions to site-specific toxic criteria to incorporate local water quality data into criteria for select water bodies;
-

revisions and additions to the uses, criteria, and descriptions of individual water bodies based on new data and results of recent use-attainability analyses (UAAs);

- additions of site-specific recreational uses for select water bodies based on the results of recent recreational UAAs; and
- revisions to clarify the prohibition of discharges of visible pre-production plastic into surface water in the state.

Upcoming Compliance Reminders

July

1	<ul style="list-style-type: none"> ❖ Toxics Release Inventory annual reports due to the EPA ❖ P2 Plan: annual progress report due.
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August

1	<ul style="list-style-type: none"> ❖ Dry Cleaners: annual renewal registration form ❖ Medical Waste Transporters: Renewal of Registration
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September

16	<ul style="list-style-type: none"> ❖ Annual water-quality fees assessed for Wastewater General Permits and Stormwater General Permits (except for Stormwater Construction General Permits)
22	<ul style="list-style-type: none"> ❖ Pollution Prevention Waste Management Workshop https://web.cvent.com/event/1eb56fe2-bf40-4509-a610-0a701faa89e8/summary

October

10	<ul style="list-style-type: none"> ❖ Groundwater or Purchased Water Systems: DLQOR
31	<ul style="list-style-type: none"> ❖ Annual Air Emissions/Inspection fees are invoiced.

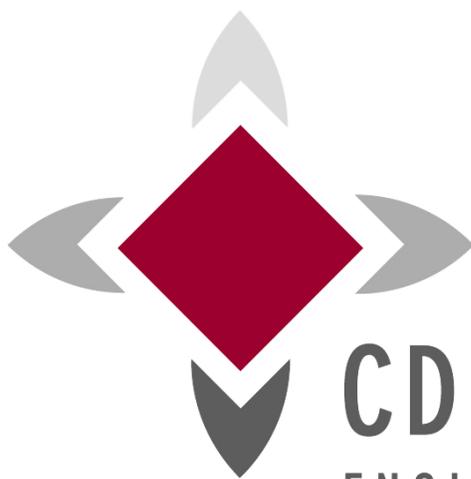
Plan Ahead!

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.

972-889-7200

ddurant@cdenvironmentaleng.com



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