



# CD ENVIRONMENTAL ENGINEERING LLC

## Regulatory focus

3rd Qtr | 2015

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 NATURAL GAS WELL RULES

On August 12th, the EPA finalized amendments to new source performance standards (NSPS) for the Oil and Natural Gas Sector. On March 23, 2015, the Environmental Protection Agency (EPA) re-proposed its definition of “low pressure gas well” for notice and comment to correct a procedural defect with its prior rulemaking that included this definition. The EPA also proposed to amend the NSPS to remove provisions concerning storage vessels connected or installed in parallel and to revise the definition of “storage vessel.” This action finalizes the definition of “low pressure gas well” and the amendments to the storage vessel provisions. The final rule is effective on August 12, 2015. For further information contact Mr. Matthew Witosky at (919) 541-2865; email address: [witosky.matthew@epa.gov](mailto:witosky.matthew@epa.gov) .

### EPA AMENDS TSCA ELECTRONIC REPORTING RULES

On July 20th, the EPA amended the Toxic Substances Control Act (TSCA) section 5 electronic reporting regulations. These electronic reporting regulations establish standards and requirements for use of EPA’s Central Data Exchange (CDX) to electronically submit premanufacture notices (PMNs), other TSCA section 5 notices, and support documents to the Agency. This rule provides the user community with new methods for accessing the e-PMN software, new procedures for completing the electronic-

PMN (e-PMN) form, changes to the CDX registration process, adds the requirement to submit “bona fide intents to manufacture” electronically, and changes to the procedure for notifying EPA of any new manufacturing site of a chemical substance for which an exemption was granted by EPA. This action is intended to further streamline and reduce the administrative costs and burdens of TSCA section 5 notifications for both industry and EPA. This direct final rule is effective January 19, 2016. For further information contact Greg Schweer at (202) 564-8469; email address: [Schweer.greg@epa.gov](mailto:Schweer.greg@epa.gov) .

### EPA APPROVES TCEQ FLEXIBLE AIR PERMIT PROGRAM

On July 20th, the EPA approved revisions to the Texas New Source Review (NSR) State Implementation Plan (SIP) to establish the Texas Minor NSR Flexible Permits Program (FPP), submitted by the TCEQ. The approval was predicated on the TCEQ meeting its commitment outlined in its letter dated December 9, 2013, to adopt certain minor clarifications to the Flexible Permit Program (FPP) by November 30, 2014. The TCEQ submitted the revised program rules to meet its commitment on July 31, 2014. The EPA is finalizing this action under section 110 of the Clean Air Act (CAA). This final rule became effective August 19, 2015. For more information contact Stephanie Kordzi, telephone 214-665-7520; email address [kordzi.stephanie@epa.gov](mailto:kordzi.stephanie@epa.gov).



## EPA APPROVES TCEQ GASOLINE REFORMULATION RULES

On July 20th, the EPA approved revisions to the Texas State Implementation Plan (SIP) related to Low Reid Vapor Pressure (RVP) Fuel Regulations that were submitted by the TCEQ on January 5, 2015. 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). The amendments remove the prohibition on the increased use of methyl-tertiary-butyl-ether (MTBE) in gasoline to conform to the low RVP gasoline requirements; remove the requirements for gasoline producers and importers that supply low RVP gasoline to the affected counties; remove annual reporting and certification requirements on the use of MTBE in low RVP gasoline; and make other nonsubstantive clarifying changes as needed for accuracy and consistency. This direct final rule is effective on September 18, 2015. For further information contact: Ms. Tracie Donaldson, (214) 665-6633, [donaldson.tracie@epa.gov](mailto:donaldson.tracie@epa.gov).

## EPA PROPOSES PHASE 2 GHG RULES FOR HEAVY DUTY TRUCKS

On July 13<sup>th</sup>, the EPA and NHTSA, on behalf of the Department of Transportation, are each proposing rules to establish a comprehensive Phase 2 Heavy-Duty (HD) National Program that will reduce greenhouse gas (GHG) emissions and fuel consumption for new on-road heavy-duty vehicles. This technology advancing program would phase in over the long-term, beginning in the 2018 model year and culminating in standards for model year 2027, responding to the President's directive on February 18,

2014, to develop new standards. NHTSA's proposed fuel consumption standards and EPA's proposed carbon dioxide (CO<sub>2</sub>) emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: Combination tractors; trailers used in combination with those tractors; heavy-duty pickup trucks and vans; and vocational vehicles. The proposal also includes separate standards for the engines that power combination tractors and vocational vehicles. Certain proposed requirements for control of GHG emissions are exclusive to EPA programs. These include EPA's proposed hydrofluorocarbon standards to control leakage from air conditioning systems in vocational vehicles, and EPA's proposed nitrous oxide (N<sub>2</sub>O) and methane (CH<sub>4</sub>) standards for heavy-duty engines. Additionally, NHTSA is addressing misalignment in the Phase 1 standards between EPA and NHTSA to ensure there are no differences in compliance standards between the agencies. In an effort to promote efficiency, the agencies are also proposing to amend their rules to modify reporting requirements, such as the method by which manufacturers submit pre-model, mid-model, and supplemental reports. EPA's proposed HD Phase 2 GHG emission standards are authorized under the Clean Air Act and NHTSA's proposed HD Phase 2 fuel consumption standards authorized under the Energy Independence and Security Act of 2007. These standards would begin with model year 2018 for trailers under EPA standards and 2021 for all of the other heavy-duty vehicle and engine categories. As noted, the proposal also includes certain EPA-specific provisions relating to control of emissions of pollutants other than GHGs. EPA is seeking comment on non-GHG emission standards relating to the use of auxiliary power units installed in tractors. In addition, EPA is proposing to clarify the classification of natural gas engines and other gaseous fueled heavy-duty engines, and is proposing closed crankcase standards for emissions of all pollutants from natural gas heavy-duty engines. EPA is also proposing technical amendments to EPA rules that apply to emissions of non-GHG pollutants from light-duty motor vehicles, marine diesel engines, and other nonroad engines and equipment. Finally, EPA is proposing to require that rebuilt engines installed in new incomplete vehicles meet the emission standards applicable in the year of assembly, including all applicable standards for criteria pollutants. *(continued)*



For further information contact JoNell Iffland (734) 214-4454 or [iffland.jonell@epa.gov](mailto:iffland.jonell@epa.gov).

## EPA PROPOSES TO REGULATE AIRCRAFT EMISSIONS

On July 1<sup>st</sup>, the EPA proposed to determine that greenhouse gas concentrations from aircraft emissions endanger public health and welfare. The EPA proposes to make this finding specifically with respect to the same six well-mixed greenhouse gases (GHGs)—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—that together were defined as the air pollution in the 2009 Endangerment Finding under section 202(a) of the Clean Air Act and that together constitute the primary cause of the climate change problem. The EPA is also proposing to find that greenhouse gas emissions from certain classes of engines used in aircraft are contributing to air pollution—the mix of greenhouse gases in the atmosphere—that endangers public health and welfare under section 231(a) of the Clean Air Act. Concurrent with these proposed findings, the EPA is issuing an Advance Notice of Proposed Rulemaking to provide an overview of and seek input on a variety of issues related to setting an international CO<sub>2</sub> standard for aircraft at the International Civil Aviation Organization (ICAO), ICAO's progress in establishing global aircraft standards that achieve meaningful reductions in CO<sub>2</sub> emissions, and (provided the EPA promulgates final endangerment and cause and contribute findings for aircraft engine GHG emissions) the potential use of section 231 of the Clean Air Act to adopt and implement corresponding aircraft engine GHG emission standards domestically, ensuring transparency and the opportunity for public comment. For further information

contact JoNell Iffland at (734) 214-4454 or [iffland.jonell@epa.gov](mailto:iffland.jonell@epa.gov).

## EPA RECLASSIFIES DFW AREA AND PROPOSES TO RECLASSIFY HGB AREA AS OZONE ATTAINMENT

On August 17th, the EPA proposed to determine that the Houston-Galveston-Brazoria (HGB) 8-hour ozone nonattainment area is currently attaining the 1997 ozone National Ambient Air Quality Standard (NAAQS). These determinations are based upon certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period and continues to monitor attainment of the NAAQS based on preliminary 2015 data. If this proposed determination is made final, the requirements for this area to submit an attainment demonstration, a reasonable further progress (RFP) plan, contingency measures, and other State Implementation Plan (SIP) documents related to attainment of the 1997 ozone NAAQS will be suspended for so long as the area continues to attain the 1997 ozone NAAQS.

On September 1st, the EPA determined that the DFW nonattainment area is currently attaining the 1997 ozone NAAQS. As a result, the requirements to submit an attainment demonstration and other planning SIPs related to attainment of the 1997 ozone NAAQS, and the sanctions clock and the EPA's obligation to promulgate an attainment demonstration Federal Implementation Plan (FIP) for the DFW area are suspended for so long as the area continues to attain the 1997 ozone NAAQS. For further information contact Carrie Paige, (214) 665-6521, [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).



## EPA TO APPROVE TCEQ PORTABLE NSR PERMIT PROVISIONS

On July 17th, the EPA proposed approval of revisions to the Texas State Implementation Plan (SIP) submitted by the TCEQ on March 19, 2010 and July 2, 2010. These revisions to the Texas SIP revise the minor New Source Review (NSR) program to provide for the relocation and change of location of permitted portable facilities, establish definitions related to portable facilities, and establish public participation for changes of location to portable facilities. The EPA proposes to find that these revisions to the Texas SIP comply with the Federal Clean Air Act and are consistent with our regulations and policy for minor NSR. For further information contact Ms. Aimee Wilson, (214) 665-7596; email [wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov).

## TCEQ REMOVES REPORTING REQUIREMENTS FOR CERTAIN AIR EMISSIONS FROM SMALL SOURCES

On July 1st the TCEQ approved amendments to TAC §101.201 and §101.211 to remove the requirement for sources not otherwise required to report annual emissions per §101.10 to report specific emissions data to the TCEQ. Parts of 30 Texas Administrative Code (TAC) §101.201(h) and §101.211(f) apply to sources not otherwise required to report an annual emissions inventory per §101.10, Emissions Inventory Requirements. These rules require these sources to annually report emissions and the number of events from emissions events (EE) or maintenance, startup, or shutdown (MSS) activities. The reporting required by these subsections applies to sources that are experiencing at least one EE or MSS activity and are located in nonattainment areas, maintenance areas, early action compact areas, Nueces County, or San Patricio County. Sources are required to report the number of EE and MSS activities and the amount of reportable and non-reportable emissions by mixture or compound. For more information visit <http://www.tceq.state.tx.us/rules/adopt.html>.

## EPA TO APPROVE MISSISSIPPI PM SIP REVISIONS

On July 20th, the EPA proposed to approve portions of a State Implementation Plan (SIP) revision submitted by the Mississippi Department of Environmental Quality (MDEQ), to EPA on July 25, 2010. The SIP revision includes multiple changes to Mississippi's SIP to add definitions in accordance with federal regulations and to implement clarifying language. EPA is not proposing to take action on the aspects of the SIP revision related to the Clean Air Interstate Rule (CAIR) or hazardous air pollutants at this time. Changes to the Mississippi SIP include:

- Changes to the definitions of
  - Air Cleaning Device
  - Ozone Action Day
  - PM2.5
  - PM2.5 emissions
- Changes to PM emission standards for:
  - Fuel Burning
  - Manufacturing Processes
  - Open Burning
  - Incineration

For further information contact Sean Lakeman, at (404) 562-9043 or via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

## EPA ISSUES NEW NESHAP RULES

The EPA recently issued proposed and final NESHAP rules governing emission sources as shown in the following table:

Sources Covered	Date Issued	Proposed /Final	Description	EPA Contact
Ferroalloys Production	6/30/15	Final	The final amendments include revisions to particulate matter (PM) standards for electric arc furnaces, metal oxygen refining processes, and crushing and screening operations, and expand and revise the requirements to control process fugitive emissions from furnace operations, tapping, casting, and other processes. The amendments also finalize opacity limits, as proposed in 2014. However, regarding opacity monitoring, in lieu of Method 9, the EPA is requiring monitoring with the digital camera opacity technique (DCOT). Furthermore, emissions standards for four previously unregulated hazardous air pollutants (HAP) are included: Formaldehyde, hydrogen chloride (HCl), mercury (Hg) and polycyclic aromatic hydrocarbons (PAH). Other requirements related to testing, monitoring, notification, recordkeeping, and reporting are included.	Phil Mulrine, (919) 541.5289; <a href="mailto:mulrine.phil@epa.gov">mulrine.phil@epa.gov</a> .
Mineral Wool Production and Wool Fiberglass Manufacturing	7/29/15	Final	This action finalizes first-time generally available control technologies (GACT) standards for gas-fired glass-melting furnaces at wool fiberglass manufacturing facilities that are area sources. We are also amending regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); adding requirements for reporting of performance testing through the Electronic Reporting Tool (ERT); and making several minor clarifications and corrections.	Ms. Susan Fairchild (919) 541.5167; <a href="mailto:fairchild.susan@epa.gov">fairchild.susan@epa.gov</a> .
Phosphoric Acid Manufacturing and Phosphate Fertilizer Production	8/19/15	Final	Final amendments to the Phosphoric Acid Manufacturing NESHAP include: Numeric emission limits for previously unregulated mercury (Hg) and total fluoride emissions from calciners; work practice standards for hydrogen fluoride (HF) emissions from previously unregulated gypsum dewatering stacks and cooling ponds; clarifications to the applicability and monitoring requirements to accommodate process equipment and technology changes; removal of the exemptions for startup, shutdown, and malfunction (SSM); adoption of work practice standards for periods of startup and shutdown; and revised recordkeeping and reporting requirements for periods of SSM. The final amendments to the Phosphate Fertilizer Production NESHAP include: Clarifications to the applicability and monitoring requirements to accommodate process equipment and technology changes; removal of the exemptions for SSM; adoption of work practice standards for periods of startup and shutdown; and revised recordkeeping and reporting requirements for periods of SSM.	Dr. Tina Nдох, (919) 541.2750; <a href="mailto:Nдох.Tina@epa.gov">Nдох.Tina@epa.gov</a> .

These NESHAPs would implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT).



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## New Environmental Compliance/ Waste/Wastewater Regulations

### EPA EXPANDS DEFINITION OF WATERS OF THE UNITED STATES

On June 29<sup>th</sup>, the EPA and the U.S. Army Corps of Engineers (Corps) published a final rule defining the scope of waters protected under the Clean Water Act (CWA). The “Waters” definition is used in regulating pollution and wetland activities in bodies of water within the US. This final rule reflects consideration of extensive public comments received on the proposed rule. This final rule interprets the CWA to cover those waters that require protection in order to restore and maintain the chemical, physical, or biological integrity of traditional navigable waters. The agencies looked to the objective of the CWA “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” and the scientific consensus on the strength of the effects of upstream tributaries and adjacent waters, including wetlands, on downstream traditional navigable waters, interstate waters, and the territorial seas. This rule is effective on August 28, 2015. For more information contact, Ms. Donna

Downing at 202-566-2428; email address:  
[CWAwaters@epa.gov](mailto:CWAwaters@epa.gov) .

### EPA PROPOSES TCE SNUR

On August 7th, the EPA proposed a significant new use rule (SNUR) for trichloroethylene (TCE). The proposed significant new use is manufacture or processing for use in

a consumer product, with a proposed exception for use of TCE in cleaners and solvent degreasers, film cleaners, hoof polishes, lubricants, mirror edge sealants, and pepper spray. Persons subject to the SNUR would be required to notify EPA at least 90 days before commencing any manufacturing or processing of TCE for a significant new use. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary based on the information available at that time, an opportunity to protect against potential unreasonable risks, if any, from that activity before it occurs. For further information contact: Katherine Sleasman at (202) 564-7716; email address: [sleasman.katherine@epa.gov](mailto:sleasman.katherine@epa.gov) .

### EPA UPDATING UST RULES

On July 15th, the EPA published revisions to the 1988 underground storage tank (UST) regulation and to the 1988 state program approval (SPA) regulation. These changes establish Federal requirements that are similar to key portions of the Energy Policy Act of 2005 (EPAAct); they also update the 1988 UST and SPA regulations. Changes to the regulations include:

- Adding secondary containment requirements for new and replaced tanks and piping;
- Adding operator training requirements;
- Adding periodic operation and maintenance requirements for UST systems;
- Addressing UST systems deferred in the 1988 UST regulation; (*continued*)



- Adding new release prevention and detection technologies;
- Updating codes of practice;
- Making editorial corrections and technical amendments; and
- Updating state program approval requirements to incorporate these new changes.

EPA believes these changes will protect human health and the environment by reducing the number of releases to the environment and quickly detecting releases, if they occur. This rule is effective October 13, 2015.

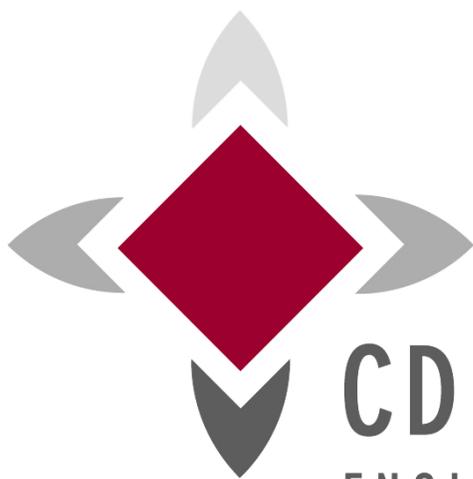
## TCEQ ASSUMES TIER II CHEMICAL REPORTING RESPONSIBILITY

The 84th Texas Legislature approved a bill to transfer the Tier II Chemical Reporting Program from the Texas Department of State Health Services to the TCEQ. The TCEQ received 13 Tier II employees on Sept. 1, 2015—11 transferred from DSHS and two new positions. The TCEQ will institute a system so facilities can report their chemical storage online through the Tier II report. The TCEQ will also investigate facilities to ensure that those reports are submitted as required.

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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