



# CD ENVIRONMENTAL ENGINEERING LLC

## *Regulatory focus*

3rd Qtr | 2016

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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Helping you achieve  
your environmental  
compliance goals.



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## New Air Regulations

### NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers

This action sets forth the Environmental Protection Agency's (EPA's) final decision on the issues for which it announced reconsideration on January 21, 2015, that pertain to certain aspects of the February 1, 2013, final amendments to the "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (Area Source Boilers Rule). The EPA is retaining the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. In addition, the EPA is amending three reconsidered provisions regarding: The alternative particulate matter (PM) standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury (Hg) for certain coal-fired boilers based on their initial compliance demonstration, consistent with the alternative provisions for which comment was solicited in the January 2015 proposal. The EPA is making minor changes to the proposed definitions of startup and shutdown based on comments received. This final action also addresses a limited number of technical corrections and clarifications on the rule, including removal of the affirmative defense for malfunction in light of a court decision on the issue. These corrections will clarify and improve the implementation of the February 2013 final Area Source Boilers Rule. In this action, the EPA is also denying the requests for reconsideration with respect to the issues raised in the petitions for reconsideration of the final

Area Source Boilers Rule for which reconsideration was not granted. This final rule is effective on September 14, 2016. For additional information, contact Ms. Mary Johnson at (919) 541-5025 or [johnson.mary@epa.gov](mailto:johnson.mary@epa.gov).

### NESHAP Emissions: Petroleum Refinery Sector Amendments

This action amends the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Petroleum Refineries in three respects. First, this action adjusts the compliance date for regulatory requirements that apply at maintenance vents during periods of startup, shutdown, maintenance or inspection for sources constructed or reconstructed on or before June 30, 2014. Second, this action amends the compliance dates for the regulatory requirements that apply during startup, shutdown, or hot standby for fluid catalytic cracking units (FCCU) and startup and shutdown for sulfur recovery units (SRU) constructed or reconstructed on or before June 30, 2014. Finally, this action finalizes technical corrections and clarifications to the NESHAP and the New Source Performance Standards (NSPS) for Petroleum Refineries. These amendments are being finalized in response to new information submitted after these regulatory requirements were promulgated as part of the residual risk and technology review (RTR) rulemaking, which was published on December 1, 2015. This action will have an insignificant effect on emissions reductions and costs. For additional information, contact Ms. Brenda Shine at (919) 541-3608 or [shine.brenda@epa.gov](mailto:shine.brenda@epa.gov).



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## Approval Oklahoma SIP for Pb, O<sub>3</sub>, and NO<sub>2</sub> NAAQS

Under the Federal Clean Air Act (CAA or Act), the Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) submissions from the State of Oklahoma regarding the 2008 Lead (Pb), 2008 Ozone, 2010 Nitrogen Dioxide (NO<sub>2</sub>), and 2010 Sulfur Dioxide (SO<sub>2</sub>) 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 Act, including the CAA requirements for interstate transport of Pb and NO<sub>2</sub> emissions. For additional information, contact Carrie Paige at 214-665-6521 or [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).

## NESHAP Reconsideration: Ferroalloys Production

On June 30, 2015, the Environmental Protection Agency (EPA) published the residual risk and technology review (RTR) final rule, establishing national emission standards for hazardous air pollutants (NESHAP) for the Ferroalloys Production source category. Subsequently, the EPA received two petitions for reconsideration of certain aspects of the final rule. The EPA is announcing reconsideration of and requesting public comment on three issues raised in the petitions for reconsideration. The three issues the EPA is reconsidering and seeking public comment on are the following:

- The polycyclic aromatic hydrocarbons (PAH) compliance testing frequency for furnaces that produce ferromanganese (FeMn);
- The use of the digital camera opacity technique (DCOT) for determining compliance with the shop building opacity standards; and
- The use of bag leak detection systems (BLDS) on positive pressure baghouses.

The EPA is seeking comment only on these three issues and will not respond to comments addressing other issues or other provisions of the final rule. The EPA is not proposing any changes to the NESHAP. For questions about this action, contact Phil Mulrine, at (919) 541-5289 or: [mulrine.phil@epa.gov](mailto:mulrine.phil@epa.gov).

## National Emission Standards for Aerospace Manufacturing and Rework Facilities

The Environmental Protection Agency (EPA) is taking direct final action to amend the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities. In this action, they are clarifying the compliance date for the handling and storage of waste. This rule is effective on October 3, 2016. For questions about this direct final action, contact Ms. Kim Teal at (919) 541-5580 or [teal.kim@epa.gov](mailto:teal.kim@epa.gov).



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## Reconsideration of the Oil and Natural Gas Sector: New Source Performance Standards

The U.S. Environmental Protection Agency (EPA) is providing notice that it has responded to 11 petitions for reconsideration of the final rule titled “Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews,” published in the Federal Register on August 16, 2012, and seven petitions for reconsideration of subsequent amendments published in the Federal Register on September 23, 2013, and December 31, 2014. The agency previously granted reconsideration of several discrete issues and took final action on reconsideration through documents published in the Federal Register on September 23, 2013, December 31, 2014, August 12, 2015, and June 3, 2016. The Administrator denied the remaining requests for reconsideration in separate letters to the petitioners. For additional information, contact Ms. Lisa Thompson at (919) 541-9775 or [thompson.lisa@epa.gov](mailto:thompson.lisa@epa.gov).

## Revisions Testing Regulations for Air Emission Sources

This action promulgates technical and editorial corrections and revisions to regulations related to source testing of emissions. The EPA has have made corrections and updates to testing provisions, and added newly approved

alternatives to existing testing regulations. These revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures. The revisions do not impose any new substantive requirements on source owners or operators. For additional information, please contact Ms. Lula H. Melton at (919) 541-0516 or [melton.lula@epa.gov](mailto:melton.lula@epa.gov).

## Fine Particulate Matter NAAQS: State Implementation Plan Requirements

The Environmental Protection Agency (EPA) is finalizing requirements that state, local and tribal air agencies would have to meet as they implement the current and future national ambient air quality standards (NAAQS) for fine particulate matter (PM<sub>2.5</sub>). Specifically on meeting the statutory state implementation plan (SIP) requirements that apply to areas designated nonattainment for any PM<sub>2.5</sub> NAAQS, such as: General requirements for attainment plan due dates and attainment dates; emissions inventories; attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures; and nonattainment New Source Review (NSR) permitting programs, among other things. This rule clarifies the specific attainment planning requirements that apply to PM<sub>2.5</sub> NAAQS nonattainment areas based on their classification (either Moderate or Serious), and the process for reclassifying Moderate areas to Serious. Additionally, in this document the EPA is revoking the 1997 primary annual standard for areas



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designated as attainment for that standard because the EPA revised the primary annual standard in 2012. The EPA first established the PM<sub>2.5</sub> NAAQS in 1997, completed a review and revision of those standards in 2006, and most recently completed a review and revision of the PM<sub>2.5</sub> NAAQS on December 14, 2012. This final rule is effective on October 24, 2016. For additional information, contact Mr. Rich Damberg at (919) 541-5592 or [damberg.rich@epa.gov](mailto:damberg.rich@epa.gov).

## Revision to the Regulatory Definition of Volatile Organic Compounds-Exclusions

The Environmental Protection Agency (EPA) is taking direct final action to revise the regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). This direct final action adds 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2; CAS number 406-78-0) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>) formation.

## Standards of Performance for Stationary CI Internal Combustion Engines

The Environmental Protection Agency (EPA) is finalizing amendments to the standards of performance for stationary

compression ignition (CI) internal combustion engines to allow manufacturers to design the engines so that operators can temporarily override performance inducements related to the emission control system for stationary CI internal combustion engines. The amendments apply to engines operating during emergency situations where the operation of the engine or equipment is needed to protect human life, and to require compliance with Tier 1 emission standards during such emergencies. The EPA is also amending the standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska. For additional information, contact Ms. Melanie King at (919) 541-5450 or [king.melanie@epa.gov](mailto:king.melanie@epa.gov).

## Revisions to the General Definitions for NSR and the Minor NSR QFP

The Environmental Protection Agency (EPA) is approving and disapproving portions of revisions to the Texas State Implementation Plan (SIP) pertaining to the Texas New Source Review (NSR) program submitted on March 13, 1996; July 22, 1998; September 11, 2000; September 4, 2002; and October 5, 2010. Specifically, the EPA is approving the severable portions of the amendments to the General Definitions for the Texas NSR program, and the Minor NSR Qualified Facilities Program (QFP). The EPA is disapproving a severable portion of the General Definition of “modification of existing facility” submitted on October 5, 2010. For additional information, contact Ms. Adina Wiley at (214) 665-2115 or [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).



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## Approval of Texas SIP; 2008 O<sub>3</sub> and 2010 NO<sub>2</sub> NAAQS

The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) submissions from the State of Texas for Ozone (O<sub>3</sub>) and Nitrogen Dioxide (NO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). These submittals address how the existing SIP provides for implementation, maintenance, and enforcement of the 2008 O<sub>3</sub> and 2010 NO<sub>2</sub> NAAQS (infrastructure SIPs or i-SIPs). These i-SIPs ensure that the State's SIP is adequate to meet the State's responsibilities under the Federal Clean Air Act (CAA). For additional information, contact Sherry Fuerst at (214) 665-6454 or [fuerst.sherry@epa.gov](mailto:fuerst.sherry@epa.gov).

## Disapproval of Oklahoma SIP; PSD for PM<sub>2.5</sub>

The Environmental Protection Agency (EPA) is proposing to disapprove severable portions of the February 6, 2012, Oklahoma State Implementation Plan (SIP) submittal that establish certain de minimis thresholds for particulate matter less than 2.5 micrometers in diameter (PM<sub>2.5</sub>) in the Prevention of Significant Deterioration (PSD) permitting requirements. Specifically, the EPA is proposing to disapprove provisions that adopt and implement the PM<sub>2.5</sub> significant impact levels (SILs) and significant monitoring concentration (SMC); both of which were vacated by a federal court and subsequently removed from federal PSD regulations. The EPA is proposing to disapprove the submitted provisions as inconsistent with federal laws and regulations for the permitting of PM<sub>2.5</sub>. The EPA is

proposing this disapproval under section 110 and part C of the Clean Air Act (CAA). For additional information, contact Adina Wiley at (214) 665-2115 or [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

## TCEQ Approval for Control of Air Pollution from VOC RACT Rules for the 2008

The proposed rulemaking would revise Chapter 115, Subchapter B, Division 1, to update the approved RACT requirements for VOC storage tanks in the Houston-Galveston-Brazoria (HGB) area. The proposed updates mirror revisions incorporated during the December 2011 rulemaking for the DFW 1997 eight-hour ozone nonattainment area and the June 2015 rulemaking for the DFW 2008 eight-hour ozone nonattainment area for VOC storage tanks. The proposed rule changes include: updating the control efficiency requirement for control devices other than vapor recovery units or flares; expanding the applicability to include the aggregate of storage tanks at a pipeline breakout station into the control requirements prescribing flashed gas controls; and adding inspection, repair, and recordkeeping requirements for consistency with existing requirements in the DFW area.



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## Reclassification of the HGB 2008 8-Hour O<sub>3</sub> Nonattainment Area

The Environmental Protection Agency (EPA) is proposing to determine that the Houston-Galveston-Brazoria ozone nonattainment area (HGB area) failed to attain the 2008 8-hour ozone national ambient air quality standards (NAAQS) by the applicable attainment deadline of July 20, 2016, and thus is classified by operation of law as “Moderate”. In this action, EPA is also proposing January 1, 2017 as the deadline by which Texas must submit to the EPA the State Implementation Plan (SIP) revisions that meet the CAA statutory and regulatory requirements that apply to 2008 ozone NAAQS nonattainment areas reclassified as Moderate. For additional information, contact Ms. Nevine Salem at (214) 665-7222 or [salem.nevine@epa.gov](mailto:salem.nevine@epa.gov).

## ICR Extension for Review and Approval of NESHAPs

The Environmental Protection Agency has submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval relating to the following NESHAP sections of 40 CFR part 63:

- Subpart O - Commercial Ethylene Oxide Sterilization and Fumigation
- Subpart T Halogenated Solvent Cleaners/Halogenated Hazardous Air Pollutants

- Subpart AA and BB Phosphoric Acid Manufacturing and Phosphate Fertilizers Production
- Subpart HH Oil and Natural Gas Production
- Subpart EEEE Organic Liquids Distribution (Non-Gasoline) Facilities
- Subpart EEEEE Iron and Steel Foundries
- Subpart HHHHH Miscellaneous Coating Manufacturing

This is a proposed extension of the ICRs, which are currently approved through August 31, 2016. Public comments were previously requested via the Federal Register (80 FR 32116) on June 5, 2015, during a 60-day comment period. This notice allows for an additional 30 days for public comments. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. For additional information, contact Patrick Yellin at (202) 564-2970 [yellin.patrick@epa.gov](mailto:yellin.patrick@epa.gov).



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## New Environmental Compliance/ Waste/Wastewater Regulations

### User Fees for the e- Manifest System and Amendments to Manifest Regulations

The Environmental Protection Agency (EPA or the Agency) proposes its user fee methodology applicable to electronic and paper manifests submitted to the national electronic manifest system (or e-Manifest system) that is being established by EPA under the Hazardous Waste Electronic Manifest Establishment Act. After the implementation date for the e-Manifest system, certain users of the hazardous waste manifest would be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the system in order for EPA to recover its costs of developing and operating the national e-Manifest system. The final rule that the EPA develops in response to public comments on this action's proposed fee methodology will include the final fee methodology. In addition, EPA will include the initial fee schedule and the implementation date for the e-Manifest system in the preamble to the final rule.

This action also proposes several amendments to the regulations governing the use of electronic hazardous waste manifests and the completion of manifests. These amendments propose: to change EPA's longstanding regulations regarding transporter changes to shipment routing information on the manifest during transportation, to specify a process by which receiving facilities may

submit manifest data corrections to the e-Manifest system, and to modify a provision of the current electronic manifest use requirements that precludes the use of mixed electronic and paper manifests by those users desiring to make use of electronic manifests in settings where not all users are able to participate electronically. This action is expected to result in net cost savings amounting to \$34 million per year when discounted at 7% and annualized over 6 years. Further information on the economic effects of this action can be found in section VII of this preamble. For additional information, contact Richard LaShier at (703) 308-8796, [lashier.rich@epa.gov](mailto:lashier.rich@epa.gov).

### National Priorities List Additions

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency ("the EPA" or "the agency") in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.



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This rule adds ten sites to the General Superfund section of the NPL. For additional information, contact Brenda Cook, at 214-665-7436.

## ICR for National Oil and Hazardous Substances Pollution Contingency Plan

The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), “National Oil and Hazardous Substances Pollution Contingency Plan Regulation, subpart J (40 CFR 300.900) (Renewal)” (EPA ICR No. 1664.11, OMB Control No. 2050-0141) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This is a proposed extension of the ICR, which is currently approved through September 30, 2016. Public comments were previously requested via the Federal Register (81 FR 16174) on March 25, 2016 during a 60-day comment period. This notice allows for an additional 30 days for public comments. For additional information, contact Leigh DeHaven at (202) 564-1974 or [DeHaven.Leigh@epa.gov](mailto:DeHaven.Leigh@epa.gov).

## Updates to Haz-Com Program and Regulatory Framework

EPA is proposing changes to the existing regulations governing significant new uses of chemical substances

under the Toxic Substances Control Act (TSCA) to align these regulations with revisions to the Occupational Safety and Health Administration's (OSHA) Hazard Communications Standard (HCS), which are proposed to be cross referenced, and with changes to the OSHA Respiratory Protection Standard and the National Institute for Occupational Safety and Health (NIOSH) respirator certification requirements pertaining to respiratory protection of workers from exposure to chemicals. EPA is also proposing changes to the significant new uses of chemical substances regulations based on issues that have been identified by EPA and issues raised by public commenters for Significant New Use Rules (SNURs) previously proposed and issued under these regulations. Additionally, EPA is proposing a minor change to reporting requirements for premanufacture notices (PMNs) and other TSCA section 5 notices. EPA expects these changes to have minimal impacts on the costs and burdens of complying, while updating the significant new use reporting requirements to assist in addressing any potential effects to human health and the environment. For additional information, contact Jim Alwood at (202) 564-8974 or [alwood.jim@epa.gov](mailto:alwood.jim@epa.gov).

# Upcoming Compliance Reminders

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## OCT

<b>2-6</b>	❖ Annual EPA Region 6 Stormwater Conference Oklahoma City, OK
<b>10-11</b>	❖ Advanced Air Permitting Seminar at Palmer Events Center in Austin TX.
<b>12-13</b>	❖ Water Quality/Stormwater Seminar at Palmer Events Center in Austin TX.
<b>17-18</b>	❖ Potable Reuse Summit Oklahoma City, OK
<b>24-26</b>	❖ Electronics Reuse Conference Houston, TX.

## Dec

<b>31</b>	❖ MSGP and Phase II MS4s: annual water quality fees are invoiced
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## Jan

<b>1</b>	❖ Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year.
<b>25</b>	<ul style="list-style-type: none"> <li>❖ Industrial and hazardous waste: annual summary report (paper filers).</li> <li>❖ Emissions Inventory Workshop J.J. Pickle Research Campus Austin, TX.</li> </ul>

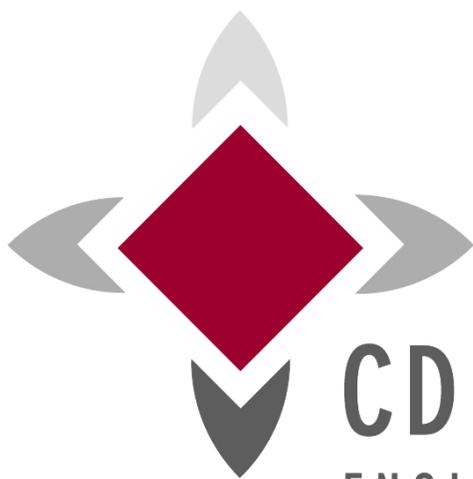
### Plan Ahead!

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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