

# CD ENVIRONMENTAL ENGINEERING LLC

## *Regulatory focus*

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

3rd Qtr | 2017

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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

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### Revisions to Oklahoma Minor New Source Review Permitting Program

The EPA is approving severable portions of revisions to the Oklahoma New Source Review (NSR) State Implementation Plan (SIP) submitted by the State of Oklahoma on February 14, 2002 (the February 14, 2002, SIP submittal). This action addresses revisions to the Oklahoma Administrative Code (OAC), Title 252, Chapters 4 and 100, concerning the State's Minor New Source Review air permitting program. In that document, the EPA proposed to find that the severable portions of the Minor NSR program requirements in OAC 252:4-1 (General Provisions), OAC 252:4-7 (Environmental Permit Process), Appendix C (Permitting Process Summary), OAC 252:100-5 (Registration, Emission Inventory and Annual Operating Fees), OAC 252:100-7 (Permits for Minor Facilities) and Appendix H (De Minimis Facilities) are approvable as meeting CAA requirements for a Minor NSR program. With the exception of OAC 252:100-7 and Appendix H, the above provisions were previously approved as to Oklahoma's Major NSR program. See 75 FR 72695, November 26, 2010. In this action, the severable Minor NSR provisions provide the necessary procedures and applicable requirements for approvable Minor NSR programs. For additional information, contact Rick Barrett at 214-665-7227 or [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov).

### Revisions to the General Definitions for Texas Air Quality Rules

On July 28, 2016, Texas Commission on Environmental Quality (TCEQ) submitted a State Implementation Plan (SIP) revision to EPA for review and approval. The SIP revisions include amendments to 30 TAC Section 101.1 and 101.10 in 30 TAC Chapter 101, General Air Quality Rules, Subchapter A, General Rules and corresponding revisions to the SIP.

Pursuant to the Federal Clean Air Act, the Environmental Protection Agency (EPA) is approving revisions of the Texas State Implementation Plan (SIP) pertaining to EPA's latest definition of volatile organic compounds (VOC), aligning the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), shortening the distance from the shoreline for applicable offshore sources to report an emission inventory, and revising terminology and definitions for clarity or consistency with the EPA's AERR. This rule is effective on September 6, 2017. For additional information, contact Ms. Nevine Salem at (214) 665-7222 or [salem.nevine@epa.gov](mailto:salem.nevine@epa.gov).



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## Revisions to Texas Emissions Banking and Trading Programs and Compliance Flexibility

The EPA is approving revisions to the Texas SIP Emissions Banking and Trading Programs submitted on July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015. Specifically, the EPA is approving revisions to the Texas Emission Credit, Mass Emissions Cap and Trade, Discrete Emission Credit, and Highly Reactive Volatile Organic Compound Emissions Cap and Trade Programs such that the Texas SIP will include the current state program regulations promulgated and implemented in Texas. The EPA is also approving compliance flexibility provisions for stationary sources using the Texas Emission Reduction Plan submitted on July 15, 2002; May 30, 2007; and July 10, 2015. This rule is effective on July 10, 2017. For additional information, contact Adina Wiley at 214-665-2115 or [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

attained the 2008 Pb NAAQS and to approve a redesignation request for the area. In directly approving the redesignation request, EPA is also taking direct final action to approve as revisions to the Texas State Implementation Plan (SIP) a maintenance plan for the 2008 Pb NAAQS in the NAA submitted November 2, 2016, an attainment demonstration for the 2008 Pb NAAQS submitted October 10, 2012, and a second 10-year maintenance plan for the 1978 Pb NAAQS submitted September 15, 2009. This rule is effective on September 27, 2017. For additional information, contact Robert M. Todd at (214) 665-2156 or [todd.robert@epa.gov](mailto:todd.robert@epa.gov).

## EPA Awards \$1.6 Million to TCEQ

The EPA has awarded \$1,686,549 to the Texas Commission on Environmental Quality (TCEQ) to support air monitoring programs. The grant will help TCEQ maintain the state's monitoring network for fine particulate pollution, known as PM 2.5. Data of actual conditions is key to clean air programs and areas reaching attainment. The grant to TCEQ will help the state protect public health by monitoring for PM 2.5 pollution, including pollutants like sulfates and nitrates that can contribute to forming PM 2.5. The state will also use the funds for air quality data management systems, PM 2.5 data analyses, and reporting information to the Air Quality System national database.

## Redesignation of the Collin County Area to Attainment the 2008 Lead Standard

The EPA is taking direct final action to determine the Collin County Lead (Pb) National Ambient Air Quality Standard (NAAQS) Nonattainment Area (NAA) has



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

## New Environmental Compliance/ Waste/Wastewater Regulations

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### EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

The EPA, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule.

Therefore, this action, when final, will not change current practice with respect to how the definition applies.

### RMP Accidental Release Prevention Requirements: Delay of Effective Date

The EPA is delaying the effective date of the Risk Management Program Amendments for an additional 20 months, to allow EPA to conduct a reconsideration proceeding and to consider other issues that may benefit from additional comment. The new effective date of the rule is February 19, 2019. The Risk Management Program Amendments were published in the Federal Register on January 13, 2017. On January 26, 2017 and on March 16, 2017, EPA published two documents in the Federal Register that delayed the effective date of the amendments until June 19, 2017. The EPA proposed in an April 3, 2017 Federal Register action to further delay the effective date until February 19, 2019 and held a public hearing on April 19, 2017. This action allows the Agency time to consider petitions for reconsideration of the Risk Management Program Amendments and take further regulatory action, as appropriate, which could include proposing and finalizing a rule to revise or rescind these amendments. delayed until February 19, 2019 . For additional information, contact James Belke at (202) 564-8023 or [belke.jim@epa.gov](mailto:belke.jim@epa.gov).

# Upcoming Compliance Reminders

## July

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

## September

1	<ul style="list-style-type: none"> <li>❖ MSGP and Phase II Municipal Separate Storm Sewer Systems (MS4): annual water-quality fees assessed</li> <li>❖ Wastewater: annual sludge Discharge Monitoring Reports (DMR)</li> </ul>
20	<ul style="list-style-type: none"> <li>❖ Pollution Prevention Waste Management Workshop, J.J. Pickle Research Campus, The University of Texas at Austin,</li> </ul>

## October

10	<ul style="list-style-type: none"> <li>❖ MSGP and Phase II Municipal Separate Storm Sewer Systems (MS4): annual water-quality fees assessed</li> <li>❖ Wastewater: annual sludge Discharge Monitoring Reports (DMR)</li> <li>❖ Advanced Air Permitting Seminar, Austin, TX.</li> </ul>
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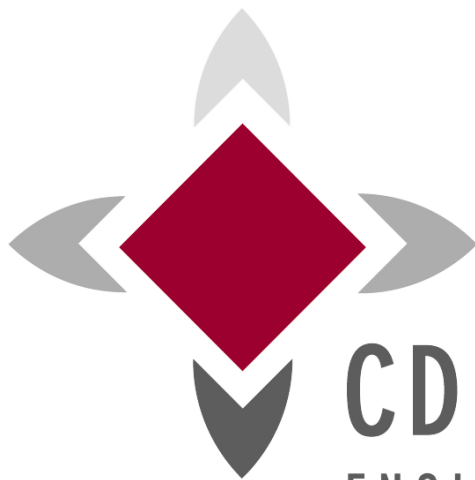
### Plan Ahead!

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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