



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

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ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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Table of Contents

	Page
NESHAP and NSPS: Petroleum Refinery Sector Amendments	2
Reasonable Further Progress Plan for the HGB Ozone Nonattainment Area	2
Outdoor Burning Visible Emissions and Particulate Matter	3
Attainment Demonstration for the DFW 2008 Ozone Nonattainment Area	3
Attainment Demonstration for the HGB 2008 Ozone Nonattainment Area.....	4
Texas Interstate Transport Requirements for the 1997 and 2006 PM2.5	4
RACT for HGB Ozone Nonattainment Area	5
Updates to TCEQ New Source Review and Operating Permit	5
RMP Accidental Release Prevention Requirements	6
Approval of State Coal Combustion Residuals Permit Program.....	7
Addition of Nonylphenol Ethoxylates Category; Community Right-to-Know Toxic Chemical Release Reporting.....	7
Upcoming Compliance Reminders	8



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New Air Regulations

NESHAP and NSPS: Petroleum Refinery Sector Amendments

The Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Refinery MACT 1 and Refinery MACT 2 regulations to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping and reporting. This action also proposes technical corrections for the New Source Performance Standards (NSPS) for Petroleum Refineries.

On December 1, 2015, the EPA finalized amendments to the Petroleum Refinery NESHAP in 40 CFR part 63, subparts CC and UUU, referred to as Refinery MACT 1 and 2, respectively and the NSPS for petroleum refineries in 40 CFR part 60, subparts J and Ja. The final amendments to Refinery MACT 1 include a number of new requirements, such as those for maintenance vents, pressure relief devices (PRDs), delayed coking units (DCUs), fence line monitoring, and flares. The final amendments to Refinery MACT 2 include revisions to the continuous compliance alternatives for catalytic cracking units and provisions specific to startup and shutdown of catalytic cracking units and sulfur recovery plants. The December 2015 action also finalized technical corrections and clarifications to Refinery NSPS subparts J and Ja to address issues raised by the American Petroleum Institute (API) in their 2008 and

2012 petitions for reconsideration of the final NSPS Ja rule that had not been previously addressed. The EPA received three separate petitions for reconsideration of this amendment.

The currently proposed amendment addresses many of the issues and clarifications identified by the petitions for reconsideration. The amendments include clarifying the Refinery MACT 1 rule requirements by revising several definitions and adding one definition and adding clarifications to the requirements identifying and managing the subset of miscellaneous process vents that result from maintenance activities. These include corrections and clarifications to provisions for sulfur recovery plants, performance testing, and control device operating parameters. For additional information, please contact Brenda Shine at 919-541-3608 or shine.brenda@epa.gov

Reasonable Further Progress Plan for the HGB Ozone Nonattainment Area

The EPA is proposing to approve a revision to the Texas State Implementation Plan (SIP) to meet the Reasonable Further Progress (RFP) requirements for the Houston-Galveston-Brazoria (HGB) moderate 2008 8-hour ozone nonattainment area (HGB area). Specifically, EPA is proposing to approve the RFP demonstration, contingency



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measures, motor vehicle emissions budgets (MVEBs) and an updated 2011 base year emissions inventory.

The HGB area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties.

On December 29, 2016, Texas submitted a RFP SIP revision for the HGB moderate area. The SIP revision (1) updates the 2011 base year emissions inventory that was approved by EPA (80 FR 9204, February 20, 2015), (2) demonstrates a 15% emissions reduction in ozone precursors from the 2011 base year through the 2017 attainment year, (3) demonstrates a 3% emissions reduction for contingency in 2018 if the reductions for 2017 are missed and (4) sets the NOX and VOC MVEBs for transportation conformity purposes, for a 2017 attainment year. For additional information, please contact Wendy Jacques at 214-665-7395 or jacques.wendy@epa.gov.

Outdoor Burning Visible Emissions and Particulate Matter

The EPA is approving revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas to EPA on August 23, 2017, that pertain to particulate matter standards and outdoor burning regulations. This rulemaking action is being taken under Section 110 of the CAA. On August 23, 2017, the Texas Commission on Environmental Quality (TCEQ) submitted revisions to the Texas SIP that address Control of Air Pollution from

Visible Emissions and Particulate Matter requirements found in Title 30 of the Texas Administrative Code (30 TAC), Chapter 111 (Control of Air Pollution from Visible Emissions and Particulate Matter), Subchapter B (Outdoor Burning). The submitted revisions address two sections within Chapter 111: In section 111.203 (“Definitions”) and the State added a new section 111.217, titled “Requirements for Certified and Insured Prescribed Burn Managers.” This rule is effective on July 26, 2018. For additional information, please contact Randy Pitre, at 214-665-7299 or pitre.randy@epa.gov.

Attainment Demonstration for the DFW 2008 Ozone Nonattainment Area

The EPA is proposing to approve the ozone attainment demonstration State Implementation Plan (SIP) revisions for the Dallas/Fort Worth (DFW) moderate ozone nonattainment area under the 2008 ozone National Ambient Air Quality Standard (NAAQS) submitted by the State of Texas (the State). Specifically, EPA is proposing approval of the attainment demonstration, a reasonably available control measures (RACM) analysis, the contingency measures plan in the event of failure to attain the NAAQS by the applicable attainment date, and the associated Motor Vehicle Emissions Budgets (MVEBs) for 2017, which is the attainment year for the area.

The attainment demonstration requirements for the 2008 ozone standard can be found in 40 CFR 51.1108 (Modeling and attainment demonstration requirements) and 40 CFR 51.112 (Demonstration of adequacy).



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In general, an ozone attainment demonstration includes a photochemical modeling analysis and other evidence (referred to as “Weight of Evidence”) (WOE) showing how an area will achieve the standard as expeditiously as practicable, but no later than the attainment date specified for its classification. For additional information, please contact Robert M. Todd at 214-665-2156 or todd.robert@epa.gov.

Attainment Demonstration for the HGB 2008 Ozone Nonattainment Area

The EPA is proposing approval of elements of a State Implementation Plan (SIP) revision for the Houston-Galveston-Brazoria 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) nonattainment area (HGB area). Specifically, EPA is proposing approval of the attainment demonstration, a reasonably available control measures (RACM) analysis, the contingency measures plan in the event of failure to attain the NAAQS by the applicable attainment date, and Motor Vehicle Emissions Budgets (MVEBs) for 2017, which is the attainment year for the area. EPA is also notifying the public of the status of EPA's adequacy determination for these MVEBs for the HGB area.

Ground-level ozone is an air pollutant that is formed from the reactions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs). In 2008 the EPA revised the 8-hour ozone primary and secondary NAAQS to a level of 0.075 parts per million (ppm) to provide increased protection of public health and the environment. The Houston-Galveston-Brazoria 2008 8-hour ozone NAAQS nonattainment area

(HGB area) was classified as a “Marginal” ozone nonattainment area for the 2008 8-hour ozone NAAQS. The area was initially given an attainment date of no later than December 31, 2015

As an attainment showing is based on the most recent three full years of ozone data available, the relevant years for demonstrating attainment by the attainment deadline for Moderate areas is 2015-2017 and the “attainment year” is 2017 For additional information, contact Carl Young at 214-665-6645 or young.carl@epa.gov.

Texas Interstate Transport Requirements for the 1997 and 2006 PM_{2.5}

The EPA is approving portions of three Texas State Implementation Plan (SIP) submittals pertaining to CAA requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 and 2006 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) in other states. The EPA is approving the portions of the April 4, 2008 and May 1, 2008 SIP submittals for the 1997 PM_{2.5} NAAQS and the portion of the November 23, 2009 submittal for the 2006 PM_{2.5} NAAQS, as they pertain to CAA requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 and 2006 PM_{2.5} NAAQS in other states. This rule is effective on June 13, 2018. For additional information, contact Carl Young at 214-665-6645 or young.carl@epa.gov.



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RACT for HGB Ozone Nonattainment Area

The EPA is proposing approval of revisions to the Texas State Implementation Plan (SIP) addressing volatile organic compounds (VOC) revised rules and the State's reasonably available control technology (RACT) analyses for VOC and nitrogen oxides (NOX). The EPA is proposing to approve the revised VOC rules as assisting in reaching attainment of the 2008 ozone National Air Quality Ambient Air Quality Standards (NAAQS or the standard) and as meeting the RACT requirements in the Houston-Galveston-Brazoria 2008 8-hour ozone nonattainment area (HGB area). The EPA is also proposing to approve negative declarations for certain VOC source categories subject to RACT in the HGB area. The EPA also is proposing to find that the State's RACT analyses demonstrate that the HGB area meets the VOC and NOX RACT requirements for this standard.

On December 29, 2016 Texas submitted its SIP demonstration that RACT for sources of VOC and NOX emissions in the HGB area is met for the 2008 NAAQS, along rule revisions to 30 TAC, Chapter 115 (Control of Air Pollution from Volatile Organic Compounds). Texas, in its SIP analyses to identify major stationary sources of NOX and VOC reviewed the TCEQ point source emissions inventory, NSR and Clean Air Act Title V databases to locate potential sources. All sources in the Title V database that were listed as a major source for NOX or VOC emissions are included in the RACT

analysis. TCEQ noted that they reviewed sources that reported actual emissions as low as 10 tpy of NOX or VOC to account for the difference between actual and potential emissions. TCEQ also noted that sites from the emissions inventory database with emissions equal to or greater than a threshold of 25 tpy or more of NOX or VOC definition that were not identified in the Title V database and could not be verified as minor sources by other means are also included in the RACT analysis. For additional information, contact Robert M. Todd at 214-665-2156 or Todd.Robert@epa.gov.

Updates to TCEQ New Source Review and Operating Permit

The TCEQ has proposed amendments that would revise air permitting procedures for New Source Review (NSR) permit renewal notices, to provide the option of using an electronic method to send these notices to permit holders. The rulemaking would also revise procedures for sending FOP proposed final action notices to allow for an electronic method of providing these notices. The rulemaking also includes a number of other proposed revisions to Chapters 116 and 122.



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New Environmental Compliance/ Waste/Wastewater Regulations

RMP Accidental Release Prevention Requirements

The Environmental Protection Agency (EPA) is requesting public comment on several proposed changes to the final Risk Management Program Amendments rule (Amendments rule) issued on January 13, 2017. EPA is proposing to rescind amendments relating to safer technology and alternatives analyses, third-party audits, incident investigations, information availability, and several other minor regulatory changes. EPA is also proposing to modify amendments relating to local emergency coordination and emergency exercises, and to change the compliance dates for these provisions. Comments and additional material must be received on or before July 30, 2018.

This rule applies to those facilities (referred to as “stationary sources” under the CAA) that are subject to the chemical accident prevention requirements at 40 CFR part 68. This includes stationary sources holding more than a threshold quantity (TQ) of a regulated substance in a process. Table 1 provides industrial sectors and the associated NAICS codes for entities potentially affected by this action. The Agency’s goal is to provide a guide for readers to consider regarding entities that potentially could be affected by this action. However, this action may affect other entities not listed.

Industrial Sectors for Entities Potentially Affected by This Action

- Administration of Environmental Quality Programs
- Agricultural Chemical Distributors
- Crop Production
- Animal Production and Aquaculture
- Support Activities for Agriculture and Forestry
- Farm Supplies Merchant Wholesalers
- Chemical Manufacturing
- Chemical and Allied Products Merchant Wholesalers
- Food Manufacturing
- Beverage Manufacturing
- Oil and Gas Extraction
- Merchant Wholesalers, Durable Goods
- Merchant Wholesalers, Nondurable Goods
- Paper Manufacturing
- Petroleum and Coal Products Manufacturing
- Petroleum and Petroleum Products Merchant Wholesalers
- Utilities
- Warehousing and Storage

For additional information, contact James Belke (202) 564-8023 or belke.jim@epa.gov.



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Approval of State Coal Combustion Residuals Permit Program

The EPA is approving the Oklahoma Department of Environmental Quality's Coal Combustion Residuals (CCR) State permit program, which will operate in lieu of the Federal CCR program. EPA has determined that Oklahoma's program meets the standard for approval under RCRA. Facilities operating under the state program requirements and resulting permit provisions will also be subject to EPA's inspection and enforcement authorities under RCRA.

Oklahoma's program allows the Oklahoma Department of Environmental Quality (ODEQ) to enforce state rules related to CCR disposal activities in non-Indian country, as well as to review for approval permit applications and to enforce permit violations. Oklahoma's CCR permit program will operate in lieu of the Federal CCR program, codified at 40 CFR part 257, subpart D.

EPA will retain sole authority to regulate and permit CCR units in Indian country as defined in 18 U.S.C. 1151, which includes reservations, dependent Indian communities, and Indian allotments, whether restricted or held in trust by the United States. For additional information, please contact Mary Jackson at (703) 308-8453 or jackson.mary@epa.gov.

Addition of Nonylphenol Ethoxylates Category; Community Right-to-Know Toxic Chemical Release Reporting

EPA is adding a nonylphenol ethoxylates (NPEs) category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). EPA is adding this chemical category to the EPCRA section 313 list because EPA has determined that NPEs meet the EPCRA section 313(d)(2)(C) toxicity criteria. Specifically, EPA has determined that short-chain NPEs are highly toxic to aquatic organisms and longer chain NPEs, while not as toxic as short-chain NPEs, can break down in the environment to short-chain NPEs and nonylphenol, both of which are highly toxic to aquatic organisms. This final rule is effective November 30, 2018. For additional information, please contact Daniel R. Bushman bushman.daniel@epa.gov.



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Upcoming Compliance Reminders

July

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

September

1	<ul style="list-style-type: none"> ❖ MSGP and Phase II Municipal Separate Storm Sewer Systems (MS4): annual water-quality fees assessed ❖ Wastewater: annual sludge Discharge Monitoring Reports (DMR) ❖ Storm water Construction General Permit forms (Notice of Intent, Notice of Change, Notice of Termination, Low Rainfall Erosivity Waiver) must be submitted electronically, effective 9/1/18
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October

10	<ul style="list-style-type: none"> ❖ MSGP and Phase II Municipal Separate Storm Sewer Systems (MS4): annual water-quality fees assessed ❖ Annual Air Emissions/Inspection fees are invoiced. Fees are due 30 days from the invoice date. Annual water quality fees are invoiced for Wastewater General Permits. Fees are due 30 days from the invoice date..
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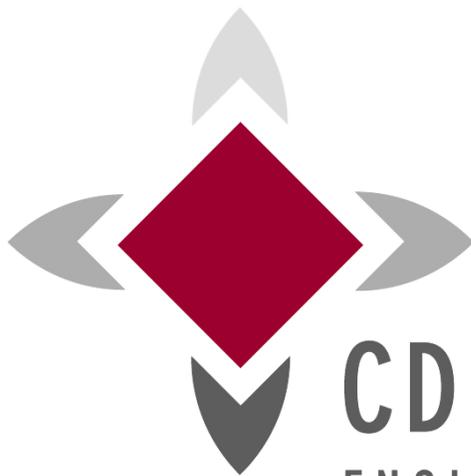
Plan Ahead!

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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