

CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

3rd Qtr | 2019

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Keeping up with new regulations is the first step towards environmental compliance.

New Air Regulations

Texas SIP DFW and HGB Area Redesignation for Revoked O₃ NAAQS

The Environmental Protection Agency (EPA) is proposing to approve a revision to the Texas State Implementation Plan (SIP). The EPA is proposing to determine that the Dallas-Fort Worth (DFW) area is continuing to attain the 1979 1-hour and 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or standard) and has met the CAA criteria for redesignation. Therefore, the EPA is proposing to terminate all anti-backsliding obligations for the DFW area for the 1-hour and 1997 ozone NAAQS. The EPA is also proposing to approve the plan for maintaining the 1-hour and 1997 ozone NAAQS through 2032 in the DFW area. The EPA is also proposing to approve the Severe Ozone Nonattainment Area Failure to Attain Fee SIP revision for the HGB area to address section 185 of the CAA for the 1-hour ozone NAAQS.

Approval of RACT in the HGB Ozone Nonattainment Area

EPA is approving 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). EPA is approving 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). EPA is also approving negative declarations for certain VOC source categories subject to RACT in the HGB area. The EPA is also finding that the State's RACT analyses demonstrate that the HGB area meets the VOC and NOX RACT requirements for this standard. This rule is effective on May 30, 2019.

Air Plan Approval; Texas; Infrastructure for the 2015 Ozone NAAQS

EPA is proposing to approve elements of two State Implementation Plan (SIP) submissions from the State of Texas for the 2015 Ozone (O₃) National Ambient Air Quality Standard (NAAQS). These submittals address how the existing SIP provides for implementation, maintenance, and enforcement of the 2015 O₃ NAAQS (infrastructure SIP or i-SIP). The i-SIP ensures that the Texas SIP is adequate to meet the state's responsibilities under the CAA for this NAAQS.



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Revisions to Public Notice for Air Quality Permit Applications

EPA is proposing to approve revisions to the Texas SIP that revise the NSR public notice requirements. They have determined that the revisions submitted on July 9, 2018 were developed in accordance with the CAA and EPA's regulations, policy, and guidance for NSR permitting. Therefore, under section 110 of the CAA, the EPA proposes approval of the revisions to 30 TAC Section 39.411, 39.603, and 55.152 adopted on May 9, 2018, and submitted to the EPA on July 9, 2018.

The EPA is also proposing governmental changes to 40 CFR 52.2270(c) to reflect that 30 TAC Section 39.411(e)(11)(A)(v) adopted by the State on December 7, 2016, is SIP-approved. On July 9, 2018, the TCEQ submitted one revision to the Texas SIP (Rule Project No. 2017-027-039-LS) revising the public notice provisions applicable to air quality permit applications under 30 Texas Administrative Code (TAC) Chapter 39, Sections 39.411 and 39.603 and Chapter 55, Section 55.152. The accompanying Technical Support Document (TSD) for this action includes a detailed analysis of the submitted revisions to the Texas SIP. The revisions are minor or non-substantive in nature and do not change the intent of the originally approved SIP requirements; these minor revisions to 39.411(e), 39.411(f), and 39.603(a), (b), and (c) update cross references, correct grammar, and renumber existing SIP approved provisions.



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New Environmental Compliance/ Waste/Wastewater Regulations

Applicability of NPDES Releases From a Point Source to Groundwater

EPA is issuing an Interpretative Statement addressing whether the Clean Water Act (“the CWA” or “the Act”) National Pollutant Discharge Elimination System (“NPDES”) permit program applies to releases of a pollutant from a point source to groundwater. This Interpretative Statement reflects the EPA's consideration of the public comments received in response to its February 20, 2018 Federal Register notice, as summarized immediately below. Informed by those comments and based on a holistic analysis of the statute, its text, structure, and legislative history, the Agency concludes that the CWA is best read as excluding all releases of pollutants from a point source to groundwater from NPDES program coverage, regardless of a hydrologic connection between the groundwater and jurisdictional surface water. The Interpretive Statement provides the EPA's full analysis and rationale supporting its interpretation and is available below and at <https://www.epa.gov/npdes/releases-point-source-groundwater>. Concurrently with issuing its interpretation of the CWA, the Agency is soliciting additional public input regarding what may be needed to provide further clarity and regulatory certainty on this issue.

National Primary Drinking Water Regulations: Perchlorate

EPA is proposing a drinking water regulation for perchlorate and a health-based Maximum Contaminant Level Goal (MCLG) in accordance with the Safe Drinking Water Act (SDWA). The EPA is proposing to set both the enforceable Maximum Contaminant Level (MCL) for the perchlorate regulation and the perchlorate MCLG at 0.056 mg/L (56 µg/L). The EPA is proposing requirements for water systems to conduct monitoring and reporting for perchlorate and to provide information about perchlorate to their consumers through public notification and consumer confidence reports. This proposal includes requirements for primacy agencies that implement the public water system supervision program under the SDWA. This proposal also includes a list of treatment technologies that would enable water systems to comply with the MCL, including affordable compliance technologies for small systems serving 10,000 persons or less. For additional information, please contact Samuel Hernandez at (202) 564-1735 or hernandez.samuel@epa.gov.



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Regulations on Reporting Exemption From Animal Waste at Farms

EPA is amending the release notification regulations under the Emergency Planning and Community Right-to-Know Act (EPCRA) to add the reporting exemption for air emissions from animal waste at farms provided in section 103(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). In addition, EPA is adding definitions of “animal waste” and “farm” to the EPCRA regulations to delineate the scope of this reporting exemption. This amendment maintains consistency between the emergency release notification requirements of EPCRA and CERCLA in accordance with the statutory text, framework and legislative history of EPCRA, and is consistent with the Agency's prior regulatory actions. This final rule is effective July 15, 2019. For additional information, please contact Sicy Jacob, at (202) 564-8019 or jacob.sicy@epa.gov.

Approval of NESHAPS for Asbestos: Alternative Work Practice Standard

EPA has approved an alternative work practice (AWP) under the Clean Air Act (CAA) in response to a request to use new technology and work practices developed for removal and replacement of asbestos cement (A/C) pipe, which is regulated under the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Asbestos. This

approval specifies the operating conditions, notifications, work practices, disposal, recordkeeping and reporting requirements that must be followed to demonstrate compliance with the NESHAP for Asbestos and the approved AWP. The AWP request for the use of close tolerance pipe slurrification (CTPS) for replacement of A/C pipes is approved as of June 10, 2019. For questions about the applicability of this action, contact Mr. John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, WJC South Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564-1395; and email address: cox.john@epa.gov.

Amendments to Standards for Commercial and Industrial Solid Waste Incineration

Following requests for clarification of its June 2016 final action, the EPA published proposed amendments to several provisions of the 2016 New Source Performance Standards (NSPS) and Emission Guidelines (EG) for Commercial and Industrial Solid Waste Incineration (CISWI). This action finalizes the proposed amendments, which provide clarity and address implementation issues in the final CISWI NSPS and EG, as well as correcting inconsistencies and errors in these provisions. This final rule is effective as of April 16, 2019. For additional information, please contact Dr. Nabanita Modak Fischer at (919) 541-5572 or modak.nabanita@epa.gov.



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Significant New Use Rules on Chemical Substances

EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 11 chemical substances which are the subject of premanufacture notices (PMNs). This action would require persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these 11 chemical substances for an activity that is designated as a significant new use by this proposed rule. If this proposed rule is made final, persons may not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice, and EPA has conducted a review of the (*continued*) notice, made an appropriate determination on the notice, and has taken any actions as are required as a result of that determination.

Potentially affected entities may include manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries. The following chemicals are included:

- Organic salt (generic) (CAS# NA)
- 1,2-Cyclohexanedicarboxylic acid (CAS #1661012-65-2).
- Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, N,N,N-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl) (CAS# NA)
- Substituted carboxylic acid, polymer with 2,4-

- diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1'-methylenebis[4-isocyanatobenzene], 2,2'-Start Printed Page 16435oxybis[ethanol], 1,1'-oxybis[2-propanol] and 1,2-propanediol, (generic) (CAS# NA)
- Unsaturated polyfluoro ester (CAS# NA)
- (2-Butoxyethoxy)acetic acid (CAS# 82941-26-2)
- Sulfuric acid, ammonium salt (CAS# 10043-02-4)
- Alkylamide, polymer with alkylamine, formaldehyde, and polycyanamide, alkyl acid salt (CAS# NA)
- Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol (generic). (CAS# NA)
- Silane, alkenylalkoxy-, polymer with alkene and alkene (generic) (CAS# NA)
- Hydrogenated fatty acid dimers, polymers with 1,1'-methylenebis[4-isocyanatobenzene], polypropylene glycol, polypropylene glycol ether with trimethylolpropane (3:1), and 1,3-propanediol, polypropylene glycol monomethacrylate-blocked (generic). (CAS# NA)



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Modernizing Ignitable Liquids Determinations

EPA is proposing to update the regulations for the identification of ignitable hazardous waste under the Resource Conservation and Recovery Act (RCRA) and to modernize the RCRA test methods that currently require the use of mercury thermometers. These proposed revisions would provide greater clarity to hazardous waste identification, provide flexibility in testing requirements, improve environmental compliance, and, thereby, enhance protection of human health and the environment. The revisions include:

- Update the flash point test methods required for determining if a liquid waste is an ignitable hazardous waste.
- Codify existing guidance regarding the regulatory exclusion in the ignitable characteristic for aqueous liquids containing alcohols and is requesting comment on whether additional changes may be warranted.
- Codify existing sampling guidance regarding waste mixtures having multiple phases when determining whether a waste exhibits the ignitability characteristic.
- Update cross references to Department of Transportation regulations and to remove obsolete information.
- Provide alternatives to the use of mercury thermometers in the air sampling and stack emissions methods in Test Methods for

Evaluating Solid Waste: Physical/Chemical Methods (SW-846). Adding the option of using non-mercury thermometers in place of mercury thermometers would provide the regulated community with increased flexibility in their implementation of these required test methods. The use of alternatives to mercury thermometers is consistent with previous Agency actions and helps achieve the Agency's goal of minimizing the use of mercury.

For additional information, please contact Daniel Fagnant at 703-308-0319 or fagnant.daniel@epa.gov.

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.
24	<ul style="list-style-type: none"> ❖ Dam Safety Workshop for Owners and Operators <u>Decatur Civic Center</u> 2010 W. US 380 Decatur, TX 76234 Registration: \$75.00; On-site Registration: \$99.00

August

1	<ul style="list-style-type: none"> ❖ Dry Cleaners: annual renewal registration form
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September

1	<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)
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October

8-10	<ul style="list-style-type: none"> ❖ Autumn Environmental Conference and Expo <u>Palmer Events Center</u> 900 Barton Springs Rd. Austin, TX 78704
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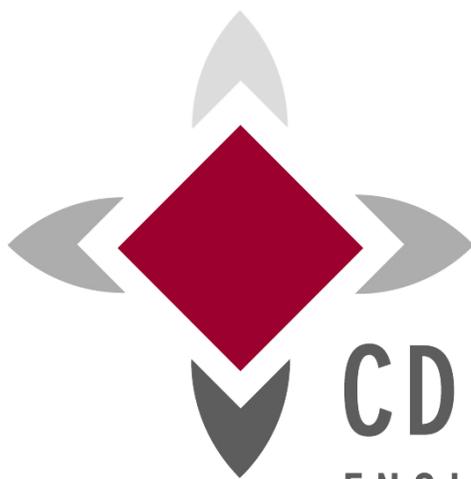
Plan Ahead!

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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