

CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

3rd Qtr | 2021

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

New Air Regulations

Texas Nonattainment NSR and Emission Statements for the 2015 O₃ NAAQS

The EPA is approving the portions of a State Implementation Plan (SIP) revision submitted by the State of Texas that describes how Clean Air Act (CAA) requirements for Nonattainment New Source Review (NNSR) and emission statements are met in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), and Bexar County ozone nonattainment areas for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). For further information, contact Robert Todd at 214-665-2156 or todd.robert@epa.gov.

2021 to reduce methane and volatile organic compound (VOC) emissions in the oil and natural gas sector. Specifically, the Executive Order directs the EPA to review the new source performance standards (NSPS) issued in 2020 for the oil and gas sector and, as appropriate and consistent with applicable law, consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the NSPS. The Executive Order further directs the EPA to consider proposing new regulations to establish comprehensive NSPS for methane and VOC emissions from the exploration and production, transmission, processing, and storage segments. The purpose of this action is to review the existing NSPS and propose new standards as necessary to meet the directives set forth in the Executive Order.

New Source Performance Standards for Crude Oil and Natural Gas Facilities: Review of Policy and Technical Rules 40 CFR 60 OOOOa

The Executive Order also states that the Administrator of the EPA should consider proposing new regulations to establish emission guidelines for methane emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments by September 2021. The purpose of this action is to propose new emission guidelines for existing sources in the oil and gas sector. The final Rule is expected in October 2022. For further information, contact Karen Marsh at 919 541-1065 or marsh.karen@epa.gov.

On January 20, 2021, the President issued an Executive Order titled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which directs the EPA to take certain actions by September



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New Source Review Regulations; Correction

The EPA is amending several New Source Review (NSR) regulations by making the following types of changes: Correcting typographical and grammatical errors, removing court vacated rule language, removing or updating outdated or incorrect cross references, conforming certain provisions to changes contained in the 1990 Clean Air Act (CAA or Act) Amendments, and removing certain outdated grandfathering or transitional exemptions. This final rule is effective on August 18, 2021. For further information, contact Mr. Ben Garwood, at (919) 541-1358 or email address: garwood.ben@epa.gov.

Redesignation of Certain Unclassifiable Areas for the 2010 1-Hour SO₂

The EPA is redesignating the Lancaster County, Nebraska and Milam County, Texas unclassifiable areas initially designated during the EPA's Round 2 air quality designations for the 2010 1-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS). Specifically, the EPA now has sufficient information to determine that these unclassifiable areas in Nebraska and Texas are attaining the 2010 1-hour SO₂ primary NAAQS. Therefore, the EPA is redesignating these areas to attainment/unclassifiable for the 2010 1-hour SO₂ primary NAAQS. The EPA is also approving these states' requests to redesignate the areas. This final rule is effective on

August 16, 2021. For further information, contact Gobeail McKinley at mckinley.gobeail@epa.gov.

National VOC Emission Standards for Aerosol Coatings Amendments

The EPA is proposing to amend the National Volatile Organic Compound (VOC) Emission Standards for Aerosol Coatings, which establishes reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the CAA. In this action, the EPA is proposing to update coating category product-weighted reactivity limits for aerosol coatings categories; add new compounds and reactivity factors (RFs); update existing reactivity values; revise the default RF; amend the thresholds for compounds regulated by this document; and add electronic reporting provisions. The EPA is proposing to amend Tables 1 and 2 to subpart E of part 59, the default reactivity factor, VOC regulated by the rule, and requirements for submitting reports. The Agency is proposing these changes, in part, to respond to petitions from American Coatings Association (ACA) requesting revisions to the standards that promote consistency and uniformity, where appropriate, between California Air Resources Board (CARB) and national aerosol coatings regulations. Comments must be received on or before November 16, 2021. For further information, Ms. J. Kaye Whitfield at (919) 541-2509 ; fax number (919) 541-4991 or whitfield.kaye@epa.gov.



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NESHAPS Under Review for Renewal

The EPA has submitted an information collection request (ICR) for several NESHAP sections. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov. The following NESHAPs are included in the requests for renewal:

- ❖ Natural Gas Transmission and Storage
- ❖ Inorganic Arsenic Emissions From Glass Manufacturing
- ❖ Primary Aluminum Reduction Plants
- ❖ Ferroalloys Production Area Sources
- ❖ Electric Arc Furnace Steelmaking Facilities



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New Environmental Compliance/ Waste/Wastewater Regulations

Recycling and Exchange Network

The Resource Exchange Network for Eliminating Waste (RENEW) is a materials-exchange network designed to help facilities worldwide exchange materials that would otherwise be disposed of. RENEW allows you to see materials available at a facility, or post your own materials. Facilities who post materials can avoid disposal costs, and possibly reduce their regulatory burden. Searching available materials helps you find materials for your facility at a reduced cost, often free. For more information, visit the RENEW website at <http://renewtx.net>.

Public Water System Supervision Program Revision for the State of Texas

The EPA is giving notice that the State of Texas is revising its approved Public Water System Supervision (PWSS) program. Texas has adopted the EPA drinking water rule for Variance and Exemptions (V&E). EPA has determined that the proposed V&E Rule submitted by Texas is no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve this PWSS program revision package. For additional information, contact José G. Rodriguez at (214) 665-8087, or by email at rodriguez.jose@epa.gov.

Final NPDES Pesticide General Permit for Point Source Discharges From the Application of Pesticides

All 10 EPA Regions are providing notice of the final 2021 National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP)—the 2021 PGP. The 2021 PGP, which has an effective date of October 31, 2021, replaces the existing permit (2016 PGP) that expires at midnight on October 31, 2021, and authorizes certain point source discharges from the application of pesticides to waters of the United States in accordance with the terms and conditions described therein. EPA is issuing this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority. Electronic versions of the 2021 PGP and Fact Sheet are also available on EPA's NPDES website at <https://www.epa.gov/npdes/pesticide-permitting>. For further information, contact Chelsea Durant at 202-564-2290 or durant.chelsea@epa.gov.



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Significant New Use Rules on Certain Chemical Substances

EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances that were the subject of premanufacture notices (PMNs). The SNURs require persons who intend to manufacture (defined by statute to include import) or process any of these chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination.

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. 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.

This rule is effective on October 18, 2021. For further information see 40 CFR Part 271 or contact William Wysong, at 202-564-4163 or email address: wysong.william@epa.gov.

Hazardous Waste Electronic Manifest System (e-Manifest); Notice of Public Meetings

The EPA will host virtual public meetings to discuss how to increase adoption of electronic manifests and solicit feedback from stakeholders. The agenda for both meetings will be identical and all stakeholders are encouraged to attend one of the meetings.

The meetings will be held on October 27, 2021, and November 3, 2021, from approximately 1:00 p.m.-5:00 p.m. EST. Additional public meetings may be added. Please refer to the e-Manifest website for meeting information and how to register at <https://www.epa.gov/e-manifest/electronic-manifest-public-meetings>.

The public meetings will be conducted virtually. Registration is required to attend and participate during these meetings. EPA can accommodate 100 attendees at each meeting and may hold additional virtual meetings, if needed.



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Integrating e-Manifest With Exports and Other Manifest- Related Reports

In the final e-Manifest User Fee Rule issued in January, 2018, the EPA explained that the scope of the e-Manifest requirements and system did not extend to export shipments of hazardous wastes from the U.S. Export shipments were excluded from e-Manifest in that final rule because EPA had not determined which entity in the export process would be responsible for submitting export manifests to the e-Manifest system and paying the associated user fees. Also, the "receiver pays" approach that was generally applicable to domestic shipments in that final rule was not suitable in the export context, as the receiver of exported wastes is a foreign entity. Thus, in this action the EPA is considering a regulatory change to address which entity involved in the export supply chain is best suited to (1) submit export manifests to EPA and (2) pay the requisite user fee for the processing of export manifests so that exported wastes may be included in the scope of the e-Manifest system. Additionally, the EPA is considering revisions to the manifest forms so that manifest data for import and export shipments can be recorded more clearly on them. This rule also considers revisions to the export and import shipment movement document related requirements to more closely link the manifest data with the movement document data, and various technical corrections and conforming amendments to import and export requirements. This action addresses several manifest-related reports that are

required when there are specific manifested waste shipment problems. The current regulations require the following reports to be submitted in writing: (1) an Exception Report from generators when a signed manifest confirming the receipt of wastes by the designated facility is overdue; (2) a Discrepancy Report from the designated receiving facility when the waste received differs significantly in quantity or type from the waste that the generator indicated was shipped, and (3) an Unmanifested Waste Report from a receiving facility when a shipment arrives at the receiving facility that was not accompanied by a manifest, but should have been tracked with a manifest required under the Resource Conservation and Recovery Act (RCRA). Since much of the manifest information that is the basis for these separate reports will be available and trackable in e-Manifest, this action considers regulatory changes to the regulations for the manifested related reports so that they can be transmitted electronically and more efficiently in e-Manifest rather than as separate, written reports. This action also considers applicable revisions to the federal manifest regulations under the Toxic Substances Control Act (TSCA) so that they align with the RCRA manifest regulations and the e-Manifest Program. Finally, this action may also provide an opportunity to address other technical regulatory changes that may be suggested by stakeholders. The final rule expected authorization is undetermined at this time. For further information, contact Bryan Groce at 703 308-8750 or groce.bryan@epa.gov.



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Petition to Revise the Non-Hazardous Secondary Material Standards

The EPA is responding to a rulemaking petition requesting amendments to the Non-Hazardous Secondary Materials (NHSM) regulations, which establish standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when used as fuels or ingredients in combustion units. The petition requested the following amendments under 40 CFR 241: 1) change from mandatory to "should consider" the legitimacy criterion for comparison of contaminants in the NHSM to the traditional fuel the unit is designed to burn; 2) remove associated design to burn and other limitations for creosote treated railroad ties; and 3) revise the definition of paper recycling residuals that can be burned as non-waste to include non-fiber materials. For further information, contact Tracy Atagi at atagi.tracy@epa.gov.

Upcoming Compliance Reminders

Oct

| | |
|----|--|
| 30 | ❖ Annual water quality fees are invoiced for Wastewater General Permits. Fees are due 30 days from the invoice date. |
| 31 | ❖ Annual Air Emissions/Inspection fees are invoiced. Fees are due 30 days from the invoice date. |

Nov

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| 20 | ❖ Review your Pollution Prevention Plan. Plans must be updated every five years by January 1 st . |
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Dec

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| 31 | <ul style="list-style-type: none"> ❖ Categorical Industrial Users that discharge to a publicly owned treatment works without an approved pretreatment program: semi-annual report ❖ Make sure you have completed your Annual Stormwater Site Compliance Evaluation. |
|----|---|

Jan

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| 27 | Emissions Inventory Workshop (Attendee Registration opens 10/28/21) |
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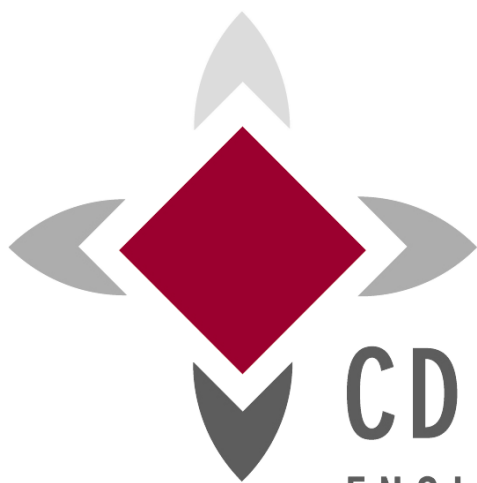
Plan Ahead!

Review any upcoming changes to your 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 to meet your compliance needs.

972-889-7200

ddurant@cdenvironmentaleng.com



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