

CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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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

EPA Proposes Approval of Texas SIP for NOx

The Environmental Protection Agency (EPA) is proposing approval of revisions to the State Implementation Plan (SIP) submitted by the State of Texas through the Texas Commission on Environmental Quality (TCEQ) on July 10, 2015. The Texas SIP submission revises 30 Texas Administrative Code (TAC) Chapter 117 rules for control of nitrogen compounds to assist the Dallas-Fort Worth (DFW) moderate nonattainment area (NAA) in attaining the 2008 eight-hour ozone (NOx) National Ambient Air Quality Standards (NAAQS). For further information contact Mr. James E. Grady, (214) 665-6745; email address: grady.james@epa.gov.

EPA Proposal for Cross-State Air Pollution Rule Update for Ozone NAAQS

The primary purpose of this proposal is to address interstate air quality impacts with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS). The EPA promulgated the Cross-State Air Pollution Rule (CSAPR) on July 6, 2011, to address interstate transport of ozone pollution under the 1997 ozone NAAQS and fine particulate matter (PM 2.5) under the 1997 and 2006 PM 2.5 NAAQS. The EPA is proposing to update CSAPR to address interstate emission transport with respect to the

2008 ozone NAAQS. This proposal also responds to the July 28, 2015 remand by the Court of Appeals for the District of Columbia Circuit of certain states' ozone-season nitrogen oxides (NOx) emissions budgets established by CSAPR. This proposal also updates the status of certain states' outstanding interstate ozone transport obligations with respect to the 1997 ozone NAAQS, for which CSAPR provided a partial remedy.

This proposal finds that ozone season emissions of NOx in 23 eastern states affect the ability of downwind states to attain and maintain the 2008 ozone NAAQS. These emissions can be transported downwind as NOx or, after transformation in the atmosphere, as ozone. For these 23 eastern states, the EPA proposes to issue Federal Implementation Plans (FIPs) that generally update the existing CSAPR NOx ozone-season emissions budgets for electricity generating units (EGUs) and implement these budgets via the CSAPR NOx ozone-season allowance trading program. The EPA would finalize a FIP for any state that does not have an approved SIP addressing its contribution by the date this rule is finalized. The EPA is proposing implementation starting with the 2017 ozone season. In conjunction with other federal and state actions, these requirements would assist downwind states in the eastern United States in attaining and maintaining the 2008 ozone standard. For further information, contact Mr. David Risley, Clean Air Markets Division, Office of Atmospheric Programs (Mail Code 6204M), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 343-9177; email address: Risley.David@epa.gov.



Donaldson, telephone 214-665-6633,
Donaldson.tracie@epa.gov.

EPA Proposes Approval of Texas NAAQS SO₂ Air Quality SIP

Under the Federal Clean Air Act (CAA) the Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Texas for the Sulfur Dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2010 SO₂ NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State's SIP is adequate to meet the state's responsibilities under the CAA. For further information, contact Ms. Nevine Salem, 214-665-7222, salem.nevine@epa.gov.

EPA Proposes Approval of Oklahoma Air Quality SIP

Under the Federal Clean Air Act (CAA or Act) the Environmental Protection Agency (EPA) is approving revisions to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma designee. The revisions are administrative in nature and modify redundant or erroneous text within the SIP. The revisions also incorporate new definitions and the current national ambient air quality standards (NAAQS) for four criteria pollutants; delete a subchapter that addresses motor vehicle pollution control devices; and add requirements for certain incinerators. For further information contact Carrie Paige, (214) 665-6521 or paige.carrie@epa.gov.

TCEQ Adds to the De Minimis Facilities or Sources List

The Texas Commission on Environmental Quality has added the following to the De Minimis Facilities or Sources list:

Seed treatment and impregnation of fertilizer with pesticide activities that comply with all Federal Insecticide, Fungicide, and Rodenticide Act requirements including (but not limited to) registration and use consistent with labeling for each specific pesticide used at the facility. Any pesticide product used at the facility must be registered by the Texas Department of Agriculture as applicable, prior to use.

EPA Proposes Approval of Texas NAAQS Lead Air Quality SIP

Under the Federal Clean Air Act (CAA) the Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) submission from the State of Texas for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2008 Pb NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State's SIP is adequate to meet the state's responsibilities under the CAA, including the four CAA requirements for interstate transport of Pb emissions. For further information, contact Tracie



EPA Revised NAAQS for Ozone

Based on its review of the air quality criteria for ozone (O₃) and related photochemical oxidants and national ambient air quality standards (NAAQS) for O₃, the Environmental Protection Agency (EPA) is revising the primary and secondary NAAQS for O₃ to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (ppm), and retaining their indicators (O₃), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). The EPA is making corresponding revisions in data handling conventions for O₃ and changes to the Air Quality Index (AQI); revising regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and establishing exceptional events schedules and providing information related to implementing the revised standards. The EPA is also revising the O₃ monitoring seasons, the Federal Reference Method (FRM) for monitoring O₃ in the ambient air, Federal Equivalent Method (FEM) analyzer performance requirements, and the Photochemical Assessment Monitoring Stations (PAMS) network. Along with exceptional events schedules related to implementing the revised O₃ standards, the EPA is applying this same schedule approach to other future new or revised NAAQS and removing obsolete regulatory language for expired exceptional events deadlines. The EPA is making minor changes to the procedures and time periods for evaluating potential FRMs and equivalent methods, including making the requirements for nitrogen dioxide (NO₂) consistent with the requirements for O₃, and removing an obsolete requirement for the annual submission of Product

Manufacturing Checklists by manufacturers of FRMs and FEMs for monitors of fine and coarse particulate matter. For a more detailed summary, see the Executive Summary below. For further information, contact Ms. Susan Lyon Stone, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail code C504-06, Research Triangle Park, NC 27711; telephone: (919) 541-1146; fax: (919) 541-0237; email: stone.susan@epa.gov.

EPA Proposes Approval of Texas SIP for VOC Control from Storage Tanks and Transport Vessels

The Environmental Protection Agency (EPA) is approving a Texas State Implementation Plan (SIP) revision for control of volatile organic compound (VOC) emissions from degassing of storage tanks, transport vessels and marine vessels. The revision reformats the existing requirement to comply with current rule writing standards, adds additional control options for owner/operators to use when complying, clarifies the monitoring and testing requirements of the rule, and makes non-substantive changes to VOC control provisions that apply in the Beaumont-Port Arthur (BPA) nonattainment area (Hardin, Jefferson and Orange Counties), four counties in the Dallas-Fort Worth (DFW) nonattainment area (Collin, Dallas, Denton and Tarrant Counties), El Paso County, and the Houston-Galveston-Brazoria (HGB) nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties).

The EPA is also making a ministerial correction to the Code of Federal Regulations (CFR) to accurately reflect approved SIP revisions that pertain to Stage II control of VOCs from gasoline dispensing facilities in Texas. For further information, contact Mr. Robert M. Todd, (214) 665-2156, todd.robert@epa.gov.



Let us know how we can
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make your job easier.

New Environmental Compliance/ Waste/Wastewater Regulations

EPA Authorizes Texas Hazardous Waste Management Program Revision

The State of Texas has applied to the United States Environmental Protection Agency (EPA) for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this direct final rule. States which have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. Alima Patterson, Region 6 Regional Authorization Coordinator, State/Tribal Oversight Section (6PD-O), Multimedia Planning and Permitting Division, (214) 665-8533, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and email address patterson.alima@epa.gov.

EPA proposes RCRA Hazardous Waste Generator Improvements

The Environmental Protection Agency (EPA or the Agency) is proposing to revise the hazardous waste generator regulations under the Resource Conservation and Recovery Act (RCRA) to improve compliance and thereby enhance protection of human health and the environment. Specifically, EPA proposes to revise certain components of the hazardous waste generator regulatory program; address gaps in the regulations; provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; reorganize the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; and make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations.

These proposed changes are both a result of EPA's experience in implementing and evaluating the hazardous waste generator program over the last 30 years, as well as a response to concerns and issues identified by the states and regulated community. For further information, contact Jim O'Leary, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, at (703) 308-8827 or (oleary.jim@epa.gov)

effective on Dec. 21, 2020. The following is a brief summary of the Phase I and Phase II requirements as they apply to NPDES regulated entities.

Phase I Requirements – effective Dec. 21, 2016

- All NPDES regulated entities that are required to submit discharge monitoring reports (DMRs) must do so electronically using NetDMR.
- NPDES regulated entities include facilities that discharge wastewater (for example, facilities classified as major or minor dischargers, individually permitted facilities, and facilities covered by general permits).
- The TCEQ may grant Temporary Waivers to the electronic reporting rule in limited cases where adequate broadband access is not available or other situations as approved by the EPA.

Phase II Requirements – effective Dec. 21, 2020

- All NPDES regulated entities that are required to submit a notice of intent (NOI), a notice of termination (NOT), a no exposure certification (NEC), or a low erosivity waiver (LEW) must do so electronically using STEERS (for example, Industrial Multi-Sector General Permits and Construction Stormwater General Permits).
- NPDES regulated entities that are required to submit the following periodic reports must do so electronically: Sewage Sludge/Biosolids Annual Program Reports, Concentrated Animal Feeding Operation (CAFO) Annual Program Reports, Municipal Separate Storm Sewer System (MS4) Program Reports, Pretreatment Program Reports, Significant Industrial User Compliance Reports (in municipalities without approved pretreatment programs), Sewer Overflow/Bypass Event Reports, and CWA Section 316(b) Annual Reports.
- The TCEQ may grant Temporary Waivers to the electronic reporting rule in limited cases where adequate broadband access is not available or other situations as approved by the EPA.



TCEQ Draft Renewal of Multi-Sector General Permit (TXR050000)

TCEQ is in the process of renewing the TPDES Multi-Sector General Permit for industrial facilities, TXR050000, which expires August 14, 2016. You can review the proposed Multi-Sector General Permit [here](#) or the proposed fact sheet [here](#). As the expiration date gets closer, you should be receiving a renewal notice from the TCEQ. If you wish to continue coverage under the new permit, facilities will need to file a “Notice of Intent” (NOI) after the permit is issued. If you have any questions or need any assistance with renewal or plan updates, please contact CD Environmental Engineering at 972-889-7200 or ddurant@cdenvironmentaleng.com.

EPA’s New NPDES Electronic Reporting Rule Now Final

On Sept. 24, 2015, the EPA signed the final rule which requires NPDES regulated entities to electronically submit specific permit and compliance monitoring information instead of filing paper reports.

This rule will be implemented in two phases. Phase I becomes effective on Dec. 21, 2016, and Phase II becomes



A guide to the correct interpretation and use of the Tier 1 PCL tables can be accessed at the following link:
http://www.tceq.texas.gov/publications/rg/rg-366_trrp_23.html.

For additional information on the PCL tables, contact Mike Aplin at mike.aplin@tceq.texas.gov

TCEQ UPDATES TRRP PCL TABLES

TCEQ has updated to the Texas Risk Reduction Program (TRRP) Tier 1 Protective Concentration Levels (PCLs) and are now available. You can access these tables using the link:

<http://www.tceq.state.tx.us/remediation/trrp/trrppcls.html>.

The updated tables include:

- Summary of Updates
- Table 1 – Tier 1 Residential Soil PCLs
- Table 2 – Tier 1 Commercial/Industrial Soil PCLs
- Table 3 – Tier 1 Groundwater PCLs, Residential and Commercial/Industrial
- Table 4 – Tier 1 Residential Total Soil Combined PCLs
- Table 5 – Tier 1 Commercial/Industrial Total Soil Combined PCLs
- Table 6 – Tier 1 Individual Residential Soil PCLs
- Table 7 – Tier 1 Individual Commercial/Industrial Soil PCLs
- Table 8 – Tier 1 Individual Residential and Commercial/Industrial Groundwater PCLs
- Table 9 – Individual Risk-Based Exposure Limits (RBELs), Residential
- Table 10 – Individual Risk-Based Exposure Limits (RBELs), Commercial/Industrial
- Toxicity Factors
- Chemical/Physical Properties
- Organic Carbon-Water Partition Coefficient Values for Ionizing Organic COCs as a Function of pH
- Gastrointestinal and Dermal Absorption Fractions

TCEQ Adopts Amendments to the Evaporation Pond General Permit

TCEQ commissioners adopted amendments to the Evaporation Pond GP, which authorizes industrial or water treatment facilities to dispose of wastewater by evaporation from surface impoundments. The amended permit corrects inconsistencies with waste regulations for surface impoundments. Now a greater number of facilities can use this general permit to obtain authorization. Amendments to the permit include:

- Exempting certain evaporation ponds from construction requirements;
- Removing a requirement for a 100-foot setback from surface water in the state; and
- Ensuring consistency with closure requirements in 30 Texas Administrative Code (TAC) Chapters 335 and 350.

Facilities currently authorized under the GP issued on March 26, 2014, do not need to submit a new Notice of Intent (NOI) to continue their permit coverage. For more information, visit the TCEQ webpage at: <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

Upcoming Compliance Reminders

JANUARY

1	❖ Executive Summary of Five-Year Pollution Prevention Plan, every fifth year.
25	❖ Industrial and Hazardous Waste Annual Waste Summary Report (paper filers)
30	❖ Dry Cleaners: quarterly registration fee.

MARCH

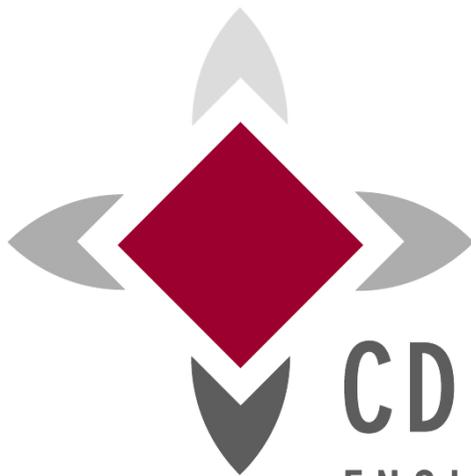
1	<ul style="list-style-type: none"> ❖ Scrap-tire Transporter: annual activity report ❖ Combined Scrap Tire and Storage Site: annual activity report ❖ Industrial and Hazardous Waste Annual Waste Summary Report (electronic filers) ❖ Tier II chemical inventory reports
29	<ul style="list-style-type: none"> ❖ Air Emissions Inventory ❖ Annual report on air emissions events
31	<ul style="list-style-type: none"> ❖ Multi-sector general permit (MSGP) for industrial storm water discharges: <ul style="list-style-type: none"> - Benchmark monitoring summary - DMRs on numeric effluent limit (annual hazardous metals) - DMRs on sector-specific, numeric effluent limits

January is a good time to review all of the changes that were made last year and make sure your compliance plans and permits are up to date.

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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