



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

4th 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

Approval of Texas SIP; NO_x RACT NAAQS

The Environmental Protection Agency (EPA) is conditionally approving revisions to the Texas State Implementation Plan (SIP) addressing Oxides of Nitrogen (NO_x) Reasonably Available Control Technology (RACT) for the Martin Marietta (formerly, Texas Industries, Inc., or TXI) cement manufacturing plant in Ellis County. EPA is fully approving revisions to the Texas SIP addressing NO_x RACT for all other affected sources in the ten county Dallas Fort Worth (DFW) 2008 8-Hour ozone nonattainment area. EPA is also approving NO_x RACT negative declarations for the nitric acid and adipic acid manufacturing operations within the DFW 2008 8-Hour ozone nonattainment area. The DFW 2008 8-Hour ozone nonattainment area consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties. The RACT requirements apply to major sources of NO_x in these ten counties. This rule will be effective on October 23, 2017. EPA is conditionally approving NO_x RACT for the MM cement manufacturing plant in Ellis County, Texas.

The EPA had previously approved RACT for all affected NO_x sources under the 1-Hour and the 1997 8-Hour ozone standards. Based on EPA approval of 30 TAC Chapter 117 rules for control of nitrogen compounds on April 13, 2016 (81 FR 21747), and the Proposed RACT action of July 19, 2017 (82 FR 33026), Texas is implementing RACT for all affected NO_x sources in the ten County DFW area under the 2008 8-Hour ozone standard. For additional information, contact Alan Shar at (214) 665-2164 or shar.alan@epa.gov.

NESHAPs From the Portland Cement Manufacturing Industry Residual Risk and Technology Review

The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) From the Portland Cement Manufacturing Industry to address the results of the residual risk and technology review (RTR) the EPA is required to conduct in accordance with section 112 of the Clean Air Act (CAA). The EPA found risks due to emissions of air toxics to be acceptable from this source category with an ample margin of safety, and identified no new cost-effective controls under the technology review to achieve further emissions reductions. Therefore, the EPA is proposing no revisions to the numerical emission limits based on these analyses. However, the EPA is proposing amendments to correct and clarify rule requirements and provisions. While the proposed amendments would not result in reductions in emissions of hazardous air pollutants (HAP), this action, if finalized, would result in improved monitoring, compliance, and implementation of the rule. For additional information, please contact Brian Storey at (919) 541-1103 or storey.brian@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

Authorization of Oklahoma Hazardous Waste Management Program Revision

The State of Oklahoma Department of Environmental Quality (ODEQ) has applied to the 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 action. In the "Proposed Rules" section of this Federal Register, EPA is also publishing a separate document that serves as the proposal to authorize these changes. EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments which oppose this authorization during the comment period, the decision to authorize Oklahoma's changes to its hazardous waste program will take effect. If EPA receives comments that oppose this action, EPA will publish a document in the Federal Register withdrawing this direct final rule before it takes effect, and the separate document in the "Proposed Rules" section of this Federal Register will serve as the proposal to authorize the changes. For additional information, contact Alima Patterson at (214) 665-8533 or patterson.alima@epa.gov.

New Texas Tier II Online Reporting

The TCEQ Tier II Reporting Program will soon be transitioning to an online web-based reporting system. Beginning January 1, 2018, you must use our new online system to submit your Tier II chemical inventory reports. Reports submitted with the EPA's Tier2Submit software will not be accepted beginning with the 2017 Tier II Annual Reporting Period, between January 1 and March 1, 2018. Training classes for the new online system will begin in October 2017.

All Tier II chemical inventory reports must contain a Customer Number (CN), a Regulated Entity Number (RN), and a TXT2 number for submission. If you do not currently have these numbers, we strongly recommend that you apply for them now using the TCEQ's State of Texas Environmental Electronic Reporting System (STEERS). TCEQ is attempting to migrate all current 2016 Tier II chemical inventory reports into the new online reporting system and if your current Tier II chemical inventory report does not contain these numbers, the data will not be migrated and you will need to reenter your information into the online system.

For more information on acquiring your CN, RN and TXT2 numbers using STEERS, signing up for training classes, or if you have any questions, contact the TCEQ at 512-239-5060 or Tier2help@tceq.texas.gov. You can also visit the TCEQ website <http://www.texastier2.org>.



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Community Right-To-Know; Adopting 2017 NAICS Codes TRI Reporting

EPA is updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2017 NAICS code revision. As a result of this action, facilities would be required to use 2017 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. EPA is also modifying the list of exceptions and limitations associated with NAICS codes in the CFR for TRI reporting purposes by deleting the descriptive text. EPA believes that these amendments are non-controversial and does not expect to receive any adverse comments. However, in addition to this direct final rule, elsewhere in this issue of the Federal Register, EPA is issuing the same amendment as a Notice of Proposed Rulemaking that will be used in the event that adverse comment is received. If EPA receives no adverse comment, the Agency will not take further action on the proposed rule and the direct final rule will become effective as provided in this action. If EPA receives relevant adverse comment, the Agency will publish a timely withdrawal in the Federal Register informing the public that this direct final action will not take effect and directing them to the Notice of Proposed Rulemaking. EPA would then address all relevant adverse public

comments in a subsequent final rule. This final rule is effective on November 15, 2017. For additional information, contact Stephanie Griffin at (202) 564-1463 or griffin.stephanie@epa.gov.

1 Yr Extension of NetDMR Electronic Reporting Waivers

On Sept. 24, 2015, the EPA signed the final rule that requires National Pollutant Discharge Elimination System (NPDES) regulated entities to electronically submit specific permit and compliance-monitoring information electronically.

The Multi-Sector General Permit (MSGP) requires all discharge monitoring reports (DMRs) to be submitted online using the NetDMR reporting system. However, the option for MSGP permitted facilities to report electronically is not available at this time.

The Texas Commission on Environmental Quality (TCEQ) has issued a second temporary waiver for electronic reporting of MSGP DMRs that will expire on Aug. 31, 2018. Continue to submit paper DMRs. Starting Sept. 1, 2018, MSGP DMRs must be submitted electronically using the NetDMR system unless another waiver is issued. To learn more, please visit the TCEQ's NetDMR electronic reporting system webpage [NetDMR](#).



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Triennial Revision of Texas Surface Water Quality Standards Public Hearing

The TCEQ will conduct a public hearing to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 307, Texas Surface Water Quality Standards, §§307.2, 307.3, 307.6, 307.7, 307.9, and 307.10, under the requirements of Texas Government Code, Chapter 2001, Subchapter B. The proposed rulemaking would provide a periodic public review and revision of the Texas Surface Water Quality Standards, as provided for in the Texas Water Code, §26.023 and required by the federal Clean Water Act, §303(c).

The TCEQ proposes substantive and editorial changes, including numerous revisions of toxic criteria to incorporate new data on toxicity effects, revisions to provide clarity on how water quality standards would be assessed using monitoring data for bacteria, and numerous revisions for the uses and criteria of individual water bodies in order to incorporate new data and the results of recent use-attainability analyses (UAAs). Proposed changes also include the creation of a new segment, Blind Oso Bay (Segment 2486), based on the results of a UAA.

The TCEQ will hold a public hearing on this proposal in Austin on October 16, 2017, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The webcast from this hearing may be viewed at <http://www.texasadmin.com/tceqs.shtml>. The hearing is structured for the receipt of oral or written

comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, TCEQ staff members will be available to discuss the proposal 30 minutes prior to the hearing.

In conjunction with the hearing, the TCEQ will also take written and oral comments on the proposed changes to the Procedures to Implement the Texas Surface Water Quality Standards (IPs). The IPs provide guidance and explanation of the general and technical procedures used in implementing the standards in wastewater discharge permits. The IPs reflect editorial and substantive changes necessitated by changes to Chapter 307 as well as clarification of some subjects and new information on others. For additional information, contact Debbie Miller, at (512) 239-1703.

Definition of "Waters of the United States" - Recodification of Pre- Existing Rules

The EPA and the Department of the Army ("the agencies") are publishing this proposed rule to initiate the first step in a comprehensive, two-step process intended to review and revise the definition of "waters of the United States" consistent with the Executive Order signed on February 28, 2017, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." This first step proposes to rescind the definition of (*continued*)



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“waters of the United States” in the Code of Federal Regulations to re-codify the definition of “waters of the United States,” which currently governs administration of the Clean Water Act, pursuant to a decision issued by the U.S. Court of Appeals for the Sixth Circuit staying a definition of “waters of the United States” promulgated by the agencies in 2015. The agencies would apply the definition of “waters of the United States” as it is currently being implemented, that is informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding practice. Proposing to re-codify the regulations that existed before the 2015 Clean Water Rule will provide continuity and certainty for regulated entities, the States, agency staff, and the public. In a second step, the agencies will pursue notice-and-comment rulemaking in which the agencies will conduct a substantive re-evaluation of the definition of “waters of the United States.” For additional information, contact Donna Downing at (202) 566-2428 or CWAwotus@epa.gov.

Upcoming Compliance Reminders

October

10-12	❖ CANCELLED - Autumn Environmental Conference and Expo Palmer Event Center, Austin, TX October 10-12, 2017
20	❖ Wastewater Discharge: Quarterly/semiannual biomonitoring DMR and tables
30	❖ Dry Cleaners: Quarterly Registration Fee

December

30	❖ All Public Drinking Water Systems: public health service fee
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January

1	❖ Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year
20	❖ Wastewater Discharge: Quarterly/semiannual biomonitoring DMR and tables
25	❖ Industrial and hazardous waste: annual summary report (paper filers) ❖ Used-oil collection center: annual report

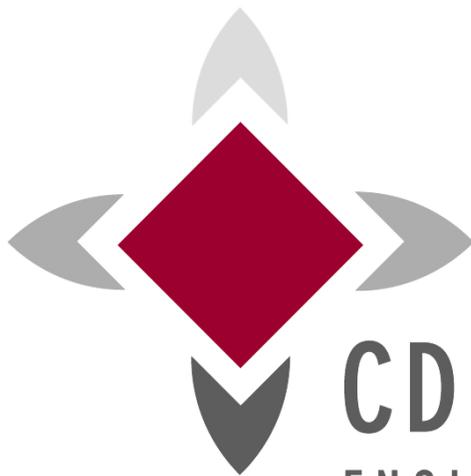
Plan Ahead!

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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