

CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

1st Qtr | 2023

We hope you enjoy reading our newsletter providing recent compliance updates or changes. Our newsletter is only available by e-mail or from our website. If you wish to subscribe or unsubscribe, please contact Doug Durant at (972) 889-7200 or ddurant@cdenvironmentaleng.com.

Table of Contents

| | Page |
|--|------|
| Concrete Batch Plant Standard Permit Distance Limitations and Public Notice..... | 2 |
| Determination of Attainment 2015 O3 NAAQS; El Paso-Las Cruces Area | 2 |
| Texas Oil and Natural Gas RACT | 3 |
| Interstate Transport of Air Pollution for the 2015 8-Hour O3 NAAQS..... | 3 |
| Oklahoma; Excess Emission and Malfunction Reporting..... | 4 |
| Approval of Texas Visible Emissions and PM | 4 |
| New Mexico; Excess Emissions | 4 |
| New Source Performance Standards Review for Lead Acid Battery Manufacturing. 4 | 4 |
| NPDES General Permit for Discharges From Hydrostatic Testing..... | 6 |
| OSSF Updates..... | 6 |
| Municipal Solid Waste Landfills §111(d) State Plan and Rule Updates..... | 7 |
| Request From States for Removal of Gasoline Volatility Waiver | 8 |
| Upcoming Compliance Reminders | 9 |



Helping you achieve
your environmental
compliance goals.

Note: Information in this newsletter has been collected from various federal, state, and local agencies' published documents and registers, in part or entirety. Additional information and complete works are available from those locations.



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

New Air Regulations

Proposed Approval; Texas NSR for Project Emissions Accounting

The Environmental Protection Agency (EPA) is proposing to approve portions of a revision to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on July 9, 2021. The revision includes updates to the Texas Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) permitting programs to incorporate recent Federal New Source Review (NSR) regulations for Project Emissions Accounting (PEA). For further information, contact Adina Wiley at 214-665-2115 or wiley.adina@epa.gov.

Concrete Batch Plant Standard Permit Distance Limitations and Public Notice

The Texas Commission on Environmental Quality (TCEQ) is seeking to amend Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, to ensure that owners or operators of concrete batch plants authorized under TCEQ's Air Quality Standard Permit for Concrete Batch Plants comply with certain public notice and hearing requirements if they propose to move the registered concrete batch plant to a new location on the site. The owner or operator shall submit a new or amended registration and fee

and comply with the public notice requirements, including the opportunity to request a contested case hearing, unless the new location is greater than 440 yards from any property line.

Determination of Attainment 2015 O3 NAAQS; El Paso-Las Cruces Area

The EPA is proposing to determine that the El Paso-Las Cruces, Texas-New Mexico nonattainment area would have attained the 2015 ozone national ambient air quality standard (NAAQS) by the August 3, 2021 "Marginal" area attainment date, but for emissions emanating from outside the United States. If the EPA finalizes this action as proposed, the El Paso-Las Cruces, Texas-New Mexico ozone nonattainment area would no longer be subject to the Clean Air Act (CAA) requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Marginal nonattainment area for the 2015 ozone NAAQS. This action, if finalized as proposed, will discharge the EPA's statutory obligation to determine whether the El Paso-Las Cruces, Texas-New Mexico ozone nonattainment area attained the NAAQS by the attainment date. For further information, contact Sherry Fuerst at 214-665-6465 or fuerst.sherry@epa.gov.



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

Texas Oil and Natural Gas RACT

The EPA is proposing to approve the July 20, 2021 revisions to the Texas State Implementation Plan (SIP) concerning Reasonably Available Control Technology (RACT) requirements covered by the 2016 Oil and Natural Gas Control Techniques Guidelines (CTG or CTGs) for Dallas-Fort Worth (DFW) and the Houston-Galveston-Brazoria (HGB) nonattainment areas (NAAs) for the 2008 8-hour ozone National Air Quality Ambient Air Quality Standards (NAAQS). The DFW area consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties. The HGB area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties. These areas were both classified as Serious nonattainment for the 2008 ozone NAAQS on August 23, 2019. These revisions create new RACT rules for oil and gas production and natural gas processing in the DFW and HGB NAAs and make non-substantive changes to reflect the rule applicability for the types of equipment currently required to comply with existing rule requirements but that would be subject to the new requirements upon the compliance date. For further information, contact Anupa Ahuja at 214-665-2701 or ahuja.anupa@epa.gov.

Interstate Transport of Air Pollution for the 2015 8-Hour O₃ NAAQS

The EPA is finalizing the disapproval of State Implementation Plan (SIP) submissions for 19 states, including, Texas and Oklahoma, regarding interstate transport and finalizing a partial approval and partial disapproval of elements of the SIP submission for two states for the 2015 8-hour ozone national ambient air quality standards (NAAQS). The “good neighbor” or “interstate transport” provision requires that each state's SIP contain adequate provisions to prohibit emissions from within the state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS in other states. This requirement is part of the broader set of “infrastructure” requirements, which are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. Disapproving a SIP submission establishes a 2-year deadline for the EPA to promulgate Federal Implementation Plans (FIPs) to address the relevant requirements, unless the EPA approves a subsequent SIP submission that meets these requirements. Disapproval does not start a mandatory sanctions clock. The EPA is deferring final action at this time on the disapprovals it proposed for Tennessee and Wyoming. The effective date of this final rule is March 15, 2023. For further information, contact Thomas Uher at (919) 541-5534 or uher.thomas@epa.gov.



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

Oklahoma; Excess Emission and Malfunction Reporting

The EPA is proposing to approve a revision to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma through the Secretary of Energy & Environment on November 7, 2016. The revision was submitted in response to a finding of substantial inadequacy and SIP call published by EPA on June 12, 2015, which included certain provisions in the Oklahoma SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. The submittal requests the removal of the provisions identified in the 2015 SIP call from the Oklahoma SIP. EPA is proposing to determine that the removal of these substantially inadequate provisions from the SIP will correct the deficiencies in the Oklahoma SIP identified in the June 12, 2015 SIP. For further information, contact Alan Shar at (214) 665-6691 Shar.Alan@epa.gov.

Approval of Texas Visible Emissions and PM

The EPA is approving the revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas to EPA on October 22, 2021. The revisions pertain to particulate matter and outdoor burning regulations. This action allows volunteer firefighters to fulfill supervision requirements for the burning of certain waste types generated from specific residential properties. This rule is effective on March 9, 2023. For further information, contact Randy Pitre at 214-665-7299 or pitre.randy@epa.gov.

New Mexico; Excess Emissions

The EPA is approving a State Implementation Plan (SIP) revision submitted by the New Mexico Environment Department (NMED) on October 13, 2016. The revision was submitted in response to a finding of substantial inadequacy and SIP call as published by EPA on June 12, 2015, concerning excess emissions during periods of startup, shutdown, and malfunction (SSM) events. EPA is approving the SIP revision and finds that such revision corrects the inadequacies identified in New Mexico's SIP in the June 12, 2015 SIP. This rule is effective on April 3, 2023. For further information, contact Alan Shar at (214) 665-6691 Shar.Alan@epa.gov.

New Source Performance Standards Review for Lead Acid Battery Manufacturing

This action finalizes the results of the EPA's review of the New Source Performance Standards (NSPS) for Lead Acid Battery Manufacturing Plants and the technology review for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lead Acid Battery Manufacturing Area Sources as required under the Clean Air Act (CAA). The EPA is finalizing revised lead emission limits for grid casting, paste mixing, and lead reclamation operations for both the area source NESHAP and under a new NSPS subpart (for lead acid battery manufacturing facilities that



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

begin construction, reconstruction, or modification after February 23, 2022). In addition, the EPA is finalizing the following amendments for both the area source NESHAP and under the new NSPS subpart: performance testing once every 5 years to demonstrate compliance; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and semiannual compliance reports; and the removal of exemptions for periods of startup, shutdown, and malfunctions (SSM). The EPA is also finalizing a revision to the applicability provisions in the area source NESHAP such that facilities which make lead-bearing battery parts or process input material, including but not limited to grid casting facilities and lead oxide manufacturing facilities, will be subject to the area source NESHAP. In addition, the EPA is finalizing a requirement in the new NSPS for new facilities to operate bag leak detection systems for emission points controlled by a fabric filter that do not include a secondary fabric filter. This rule is effective on February 23, 2023. Amanda Hansen, Sector Policies and Programs Division (D243-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3165; and email address: hansen.amanda@epa.gov.



Let us know how we can
apply our experience to
make your job easier.

New Environmental Compliance/ Waste/Wastewater Regulations

NPDES General Permit for Discharges From Hydrostatic Testing

The Water Division Director for the EPA, Region 6 signed and issued the final permit of the NPDES General Permit for Discharges from Hydrostatic Testing of New and Existing Vessels in New Mexico (NMG270000), Oklahoma (OKG27F000), and Indian Country within the States of Texas, Oklahoma, New Mexico, and Louisiana (TXG27I000, OKG27I000, NMG27I000, & LAG27I000). This permit is effective on April 15, 2023, and expires April 14, 2028. For further information, contact Maria Okpala at 214-665-3152 or okpala.maria@epa.gov.

OSSF Updates

The TCEQ proposes to amend 30 Texas Administrative Code (TAC) Chapter 285 to address some of the requests in the petitions and adds §285.3(f)(4) to address House Bill 1680.

This rulemaking would implement HB 1680 87th Leg., R.S. Legislative Session (2021) which allows leased portions of federal properties to be considered separately for the purposes of the implementation of 30 TAC Chapter 285. HB 1680 was authored by Representative Smith and sponsored by Representative Springer.

The proposed rules would clarify that: single family dwellings located on a tract of land ten acres or larger must

adhere to all requirements of Chapter 285 that are not specifically listed in the rule as exempt; all required maintenance tags must include the maintenance dates and maintenance provider and be located outside the motor cover, control panel, or breaker box; wastewater ‘flows’ are in reference to ‘hydraulic flows’ within an OSSF system; and OSSF installers and owners can be parties in a contract with a maintenance provider.

The proposed rules would require risers to be installed over all inspection and cleanout ports, and that all such risers be at least two inches above grade. This requirement would be effective with permits issued on September 1, 2023, and later.

The proposed rules would update the language for timers used in dosing systems and the requirement for purple fittings for reclaimed water systems.

The proposed rules would allow flexible conduit to be used in areas between the buried pipe and the control panels where rigid pipe is not feasible, with a limit of four feet of flexible conduit. This rulemaking would amend 30 TAC Chapter 285 to remove an outdated reference to ‘National Sanitation Foundation,’ correct typographical errors, and correct several references.



Let us know how we can
apply our experience to
make your job easier.

Municipal Solid Waste Landfills § 111(d) State Plan and Rule Updates

On August 29, 2016, EPA issued new emission guidelines (EG) for existing municipal solid waste landfills (MSWLF) (the 2016 EG rule) and published an updated New Source Performance Standard for new and modified MSWLF. The 2016 EG rule (40 Code of Federal Regulations (CFR) Part 60, Subpart Cf) effectively superseded the EPA's original emission guidelines for MSWLF which were promulgated in 1996. On May 21, 2021, the EPA published a federal plan rule for MSWLF under 40 CFR Part 62, Subpart OOO, which regulates existing MSWLF located in states without an approved state plan to implement the 2016 EG. Under the Federal Clean Air Act (FCAA), Texas is required to submit a revised state plan to implement the 2016 EG. The current Texas state plan for existing MSWLF is implemented through regulations in 30 Texas Administrative Code (TAC) Chapter 113, Subchapter D, Division 1, and was approved by the EPA in 1999. This plan is now out-of-date because it does not address the 2016 EG. Rulemaking is needed to revise the Texas state plan and corresponding Chapter 113 MSWLF rules to conform to the EPA's 2016 EG. The proposed rulemaking would also allow MSWLF which are currently subject to EPA's Subpart OOO federal plan to instead comply with substantially equivalent state rules under the authority of the Texas Commission on Environmental Quality (TCEQ or commission), rather than the federal plan being administered by the EPA, after EPA approval of the revised state plan.

Revised Definition of “Waters of the United States”

The EPA and the Department of the Army (“the agencies”) are finalizing a rule defining the scope of waters protected under the Clean Water Act. In developing this rule, the agencies considered the text of the relevant provisions of the Clean Water Act and the statute as a whole, the scientific record, relevant Supreme Court case law, and the agencies' experience and technical expertise after more than 45 years of implementing the longstanding pre-2015 regulations defining “waters of the United States.”

This final rule (40 CFR 120.2) advances the objective of the Clean Water Act and ensures critical protections for the nation's vital water resources, which support public health, environmental protection, agricultural activity, and economic growth across the United States. The rule is effective on March 20, 2023. For further information, contact Whitney Beck (202) 564-2281 or CWAwotus@epa.gov.



Let us know how we can
apply our experience to
make your job easier.

Request From States for Removal of Gasoline Volatility Waiver

Pursuant to provisions specified by the Clean Air Act (CAA), governors of eight states submitted petitions requesting that EPA remove the 1-pound per square inch (psi) Reid vapor pressure (RVP) waiver for summer gasoline-ethanol blended fuels containing 10 percent ethanol (E10). This action acts on those requests from the Governors of Illinois, Iowa, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin by proposing to remove the 1-psi waiver. EPA also received multiple petitions from stakeholders requesting an extension of the effective date to the summer of 2024. This action proposes to delay the effective date for one year consistent with statutory provisions. Thus, The EPA proposes an effective date for all states of April 28, 2024. This action also proposes a regulatory process by which a state may request to reinstate the 1-psi waiver. For further information, contact Lauren Michaels at (734) 214-4640 or michaels.lauren@epa.gov.

Upcoming Compliance Reminders

April

| | |
|-----------|---|
| 1 | ❖ Public drinking water systems that provide water to community water system(s) deliver the applicable Consumer Confidence Report (CCR) information to their receiving systems. |
| 10 | ❖ Groundwater or Purchased Water Systems: Disinfectant Level Quarterly Operating Report (DLQOR) |
| 20 | ❖ Wastewater Discharge: March DMR |

May

| | |
|--------------|--|
| 16-17 | ❖ 2023 Environmental Trade Fair and Conference Austin Convention Center |
| 20 | ❖ Wastewater Discharge: April DMR |

June

| | |
|-----------|---|
| 1 | ❖ Air Emissions/Inspection fee basis forms are due. |
| 20 | ❖ Wastewater Discharge: May DMR |

July

| | |
|-----------|---|
| 1 | ❖ Toxics Release Inventory annual reports due to the EPA. |
| 20 | ❖ Wastewater Discharge: June DMR |

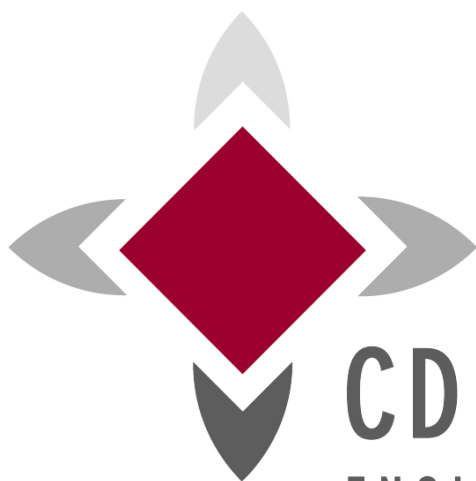
Plan Ahead!

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



CD ENVIRONMENTAL
ENGINEERING LLC