

# CD ENVIRONMENTAL ENGINEERING LLC

## Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

2nd Qtr | 2016

We hope you enjoy reading our newsletter. Our newsletter is only available by e-mail. If you wish to subscribe or unsubscribe, please contact Doug Durant at (972) 889-7200 or [ddurant@cdenvironmentaleng.com](mailto:ddurant@cdenvironmentaleng.com).

### Table of Contents

	Page
Redesignation Substitute for the DFW O3 Nonattainment Areas .....	2
Redesignation Substitute for the HGB O3 Nonattainment Area .....	2
Emissions for New, Reconstructed, and Modified Oil and Natural Gas Sources .....	3
National Emission Standards for Hazardous Air Pollutants: Site Remediation .....	3
Approval and Promulgation of Revisions to the General Definitions for Texas New Source Review and the Minor NSR Qualified Facilities Program .....	3
Approval and Promulgation of Control of Air Pollution From N2 Compounds SIP .....	4
Approval and Promulgation of Interstate Transport of Air Pollution for the 2008 O3 NAAQS .....	4
Approval and Promulgation of Oklahoma's Revisions to Major New Source Review Permitting .....	4
TCEQ Adopts Rule Change for Medical Waste .....	5
TCEQ Adopts Changes to the Industrial Solid Waste and Municipal Hazardous Waste Rules .....	5
Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category .....	6
NPDES: Applications and Program Updates .....	6
TCEQ Adopts New Rules for Accidental Discharges or Spills at Wastewater Treatment or Collection Systems .....	7
Upcoming Compliance Reminders .....	8



Helping you achieve  
your environmental  
compliance goals.



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

## New Air Regulations

### Redesignation Substitute for the DFW O<sub>3</sub> Nonattainment Areas

The Environmental Protection Agency (EPA) is proposing to approve a redesignation substitute and make a finding of attainment for both the 1-hour ozone and the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) for the Dallas-Fort Worth nonattainment area (DFW area). The redesignation substitute demonstration states that the area has attained both the revoked 1-hour ozone and the revoked 1997 8-hour ozone NAAQS due to permanent and enforceable emission reductions, and that it will maintain those NAAQS for ten years from the date of the EPA's approval of this demonstration. Final approval of the redesignation substitute will result in the area no longer being subject to any remaining applicable anti-backsliding requirements and the nonattainment new source review (NNSR) requirements associated with the revoked NAAQS. In general, final approval of the redesignation substitute would allow Texas to seek to revise the Texas SIP for the area to remove anti-backsliding measures from the active portion of its SIP if it can demonstrate, pursuant to the Clean Air Act (CAA) section 110(1), that such revision would not interfere with attainment or maintenance of any applicable NAAQS, or any other requirement of the CAA. However, the EPA believes that in this instance, Texas does not need to revise its SIP to alter certain provisions for NNSR effective in the DFW area. For additional information, contact Tracie Donaldson, 214-665-6633, [donaldson.tracie@epa.gov](mailto:donaldson.tracie@epa.gov).

### Redesignation Substitute for the HGB O<sub>3</sub> Nonattainment Area

The Environmental Protection Agency (EPA) is proposing to approve a redesignation substitute and make a finding of attainment for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) for the Houston-Galveston-Brazoria ozone nonattainment area (HGB area). The redesignation substitute demonstration indicates that the area has attained the revoked 1997 8-hour ozone NAAQS due to permanent and enforceable emission reductions and that it will maintain that NAAQS for ten years from the date of the EPA's approval of this demonstration. Final approval of the redesignation substitute will result in the area no longer being subject to any remaining applicable anti-backsliding requirements and the nonattainment new source review (NNSR) requirements associated with the revoked NAAQS. In general, final approval of the redesignation substitute would allow Texas to seek to revise the Texas SIP for the area to remove anti-backsliding measures from the active portion of its SIP if it can demonstrate, pursuant to Clean Air Act (CAA) section 110(1), that such revision would not interfere with attainment or maintenance of any applicable NAAQS, or any other requirement of the CAA. However, the EPA believes that in this instance, Texas does not need to revise its SIP to alter certain provisions for NNSR effective in the HGB area. A copy of the TCEQ adopted SIP Revision can be reviewed [here](#). For additional information, contact Tracie Donaldson, 214-665-6633, [donaldson.tracie@epa.gov](mailto:donaldson.tracie@epa.gov). For additional information, please visit the [HGB: Latest Ozone Planning](#) Web page.



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

## Emissions for New, Reconstructed, and Modified Oil and Natural Gas Sources

This action finalizes amendments to the current new source performance standards (NSPS) and establishes new standards. Amendments to the current standards will improve implementation of the current NSPS. The new standards for the oil and natural gas source category set standards for both greenhouse gases (GHGs) and volatile organic compounds (VOC). Except for the implementation improvements, and the new standards for GHGs, these requirements do not change the requirements for operations covered by the current standards. For additional information, contact Mr. Bruce Moore at (919) 541-5460; or email address: [moore.bruce@epa.gov](mailto:moore.bruce@epa.gov).

## National Emission Standards for Hazardous Air Pollutants: Site Remediation

This action proposes to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP): Site Remediation (Site Remediation Rule) by removing exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) and for site remediation activities performed under a Resource Conservation and Recovery Act (RCRA) corrective action or other required RCRA order. The

Environmental Protection Agency (EPA) is also proposing to remove the applicability requirement that site remediations be co-located with at least one other stationary source regulated by another NESHAP. The EPA is seeking comment on these issues, but is not requesting comment on any other issues or provisions of the final Site Remediation Rule at this time. For questions about this proposed action, contact Ms. Paula Hirtz, telephone number: (919) 541-2618 or email address: [hirtz.paula@epa.gov](mailto:hirtz.paula@epa.gov).

## Approval and Promulgation of Revisions to the General Definitions for Texas New Source Review and the Minor NSR Qualified Facilities Program

The Environmental Protection Agency (EPA) is proposing to approve and disapprove portions of revisions to the Texas State Implementation Plan (SIP) pertaining to the Texas New Source Review (NSR) program submitted on March 13, 1996; July 22, 1998; September 11, 2000; September 4, 2002; and October 5, 2010. Specifically, the EPA is proposing to approve the severable portions of the amendments to the General Definitions for the Texas NSR program, and the Minor NSR Qualified Facilities Program. The EPA is proposing to disapprove a severable portion of the General Definition of “modification of existing facility” submitted on October 5, 2010. For additional information, contact Ms. Adina Wiley, (214) 665-2115, [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).



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

## Approval and Promulgation of Control of Air Pollution From N<sub>2</sub> Compounds SIP

The Environmental Protection Agency (EPA) is approving 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 (O<sub>3</sub>) National Ambient Air Quality Standards (NAAQS). For additional information, contact Mr. James E. Grady, (214) 665-6745; [grady.james@epa.gov](mailto:grady.james@epa.gov).

for the EPA to promulgate a Federal Implementation Plan (FIP) for Texas to address the Clean Air Act (CAA) interstate transport requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 2008 ozone NAAQS in other states, unless the EPA approves a SIP that meets these requirements. Disapproval does not start a mandatory sanctions clock for Texas. For additional information, contact Carl Young, 214-665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov).

## Approval and Promulgation of Oklahoma's Revisions to Major New Source Review Permitting

The Environmental Protection Agency (EPA) is proposing to approve severable portions of revisions to the Oklahoma New Source Review (NSR) State Implementation Plan (SIP) submitted by the State of Oklahoma on June 24, 2010; July 16, 2010; December 27, 2010; February 6, 2012; and January 18, 2013. These revisions update the Prevention of Significant Deterioration (PSD) and Nonattainment NSR (NNSR) permit programs to be consistent with federal permitting requirements and make general updates to the Oklahoma SIP to support major NSR permitting. For additional information, contact Ms. Adina Wiley, (214) 665-2115, [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

## Approval and Promulgation of Interstate Transport of Air Pollution for the 2008 O<sub>3</sub> NAAQS

The Environmental Protection Agency (EPA) proposes to disapprove the portion of a Texas State Implementation Plan (SIP) submittal pertaining to interstate transport of air pollution which will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standards (NAAQS) in other states. Disapproval will establish a 2-year deadline





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

## New Environmental Compliance/ Waste/Wastewater Regulations

---

### TCEQ Adopts Rule Change for Medical Waste

These rules create a new chapter under 30 TAC Chapter 326 for the handling, transportation, storage, and disposal of medical waste by repealing portions of 30 TAC Chapters 330 and amending a portion of 30 TAC Chapter 335. The new rules include requirements for the following:

- Medical waste labeling, packaging and record keeping for transport to a treatment or disposal facility;
- Exempt medical waste facilities;
- A process for medical waste operations to request a notification authorization for on-site treatment facilities and medical waste collection stations;
- A Register by Rule for transporters and mobile on-site treatment units;
- Reporting for stored and processed waste.
- Registration for facilities that store or process untreated medical waste that is received from off-site sources; and
- Fees for solid waste processing for disposal within the state and for registered transporters.

For more information, visit the TCEQ website [here](#).

### TCEQ Adopts Changes to the Industrial Solid Waste and Municipal Hazardous Waste Rules

On May 25, 2016, TCEQ commissioners adopted waste rules that amend or add to 30 TAC Chapter 335.

These new rules will:

- Incorporate changes set forth in the federal Resource Conservation and Recovery Act (RCRA);
- Establish a new exclusion from regulation as a solid waste for certain steel slag, as set forth in House Bill 2598, 84th Texas Legislature;
- Establish new requirements authorizing the use of an electronic manifest system, once developed;
- Revise the export provisions of the cathode ray tube (CRT) rule for reuse and recycling; and
- Establish new and revise existing hazardous waste recycling requirements under the definition of solid waste.

The adopted rules are effective as of June 16, 2016.

The new rule language can be reviewed online in the Texas Register beginning [here](#).



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

## Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category

The Environmental Protection Agency (EPA) is publishing a final Clean Water Act (CWA) regulation that protects human health, the environment and the operational integrity of publicly owned treatment works (POTWs) by establishing pretreatment standards that prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas (UOG) extraction facilities to POTWs. UOG extraction wastewater can be generated in large quantities and contains constituents that are potentially harmful to human health and the environment. Certain UOG extraction wastewater constituents are not typical of POTW influent wastewater and can be discharged, untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (e.g., by inhibiting biological treatment); can accumulate in biosolids (sewage sludge), limiting their beneficial use; and can facilitate the formation of harmful disinfection by-products (DBPs). Based on the information collected by EPA, the requirements of this final rule reflect current industry practices for onshore unconventional oil and gas extraction facilities. Therefore, EPA does not project that the final rule will impose any costs or lead to pollutant removals, but will ensure that current industry best practice is maintained over time. For more information, see EPA's Web site: <https://www.epa.gov/eg/unconventional-oil-and-gas->

[extraction-effluent-guidelines](#). For technical information, contact Karen Milam, 202-566-1915; email address: [Milam.Karen@epa.gov](mailto:Milam.Karen@epa.gov).

## NPDES: Applications and Program Updates

The Environmental Protection Agency (EPA) proposes revisions to the National Pollutant Discharge Elimination System (NPDES) regulations to eliminate regulatory and application form inconsistencies; improve permit documentation, transparency and oversight; clarify existing regulations; and remove outdated provisions. This proposal would make specific targeted changes to the existing regulations and would not reopen the regulations for other specific or comprehensive revision. These proposed regulatory changes cover 15 topics in the following major categories: permit applications; the water quality-based permitting process; permit objection, documentation and process efficiencies; the vessels exclusion; and the Clean Water Act (CWA) section 401 certification process. These revisions would further align NPDES regulations with statutory requirements from the 1987 CWA Amendments and more recent case law requirements. By modernizing the NPDES regulations, the proposed revisions would provide NPDES permit writers with improved tools to write well-documented permits to protect human health and the environment. The revisions would also provide the public with enhanced opportunities for public participation in permitting actions. For more information, contact Erin Flannery-Keith, (202) 566-0689; [flannery-keith.erin@epa.gov](mailto:flannery-keith.erin@epa.gov).



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

## TCEQ Adopts New Rules for Accidental Discharges or Spills at Wastewater Treatment or Collection Systems

On May 11, 2016, TCEQ commissioners adopted the Volume Based Exemptions for Certain Accidental Discharges implementing Senate Bill (SB) 912, 84th Legislature.

The new rules allow any single, accidental discharge or spill of treated or untreated domestic wastewater that occurs at a wastewater treatment or collection system owned or operated by a local government to be reported to the TCEQ monthly, as a summary of spills, provided the following conditions are met:

- the spill volume is 1,000 gallons or less;
- it is not associated with another accidental discharge or spill;
- it is controlled or removed before entering water in the state;
- it does not adversely affect a public or private source of drinking water;
- it will not endanger human health or safety or the environment; and

- it is not otherwise subject to local regulatory control and reporting requirements.

The rule requires the owner or operator of the facility or collection system to use standard methods established by the TCEQ when calculating the volume of a discharge or spill. Additionally, the rules created a definition for the history of noncompliance and allow the TCEQ to require more frequent reporting based on that history. The TCEQ is establishing methods for formatting and submission of the monthly summary, which should be available on the TCEQ website in the near future. The effective date of the new and amended rules was June 2, 2016.

# Upcoming Compliance Reminders

## July

<b>1</b>	<ul style="list-style-type: none"> <li>❖ Toxics Release Inventory annual reports due to the EPA</li> <li>❖ Sludge Transporter: annual summary report</li> <li>❖ Waste Reduction Policy Act: annual progress report</li> </ul>
----------	---

## AUG

<b>1</b>	<ul style="list-style-type: none"> <li>❖ Dry Cleaners: annual renewal registration form.</li> </ul>
----------	---

## SEPT

<b>1</b>	<ul style="list-style-type: none"> <li>❖ Liquid waste transporter fee</li> <li>❖ MSGP and Phase II Municipal Separate Storm Sewer Systems (MS4): annual water-quality fees assessed</li> <li>❖ Wastewater: annual sludge Discharge Monitoring Reports (DMR)</li> </ul>
<b>7</b>	<ul style="list-style-type: none"> <li>❖ Pollution Prevention Waste Management Workshop at J.J. Pickle Research Campus, The University of Texas at Austin. Registration fee is required. For questions about the seminar, please email <a href="mailto:events@tceq.texas.gov">events@tceq.texas.gov</a>.</li> </ul>

## OCT

<b>10-11</b>	<ul style="list-style-type: none"> <li>❖ Advanced Air Permitting Seminar at Palmer Events Center in Austin TX.</li> </ul>
--------------	---

### Plan Ahead!

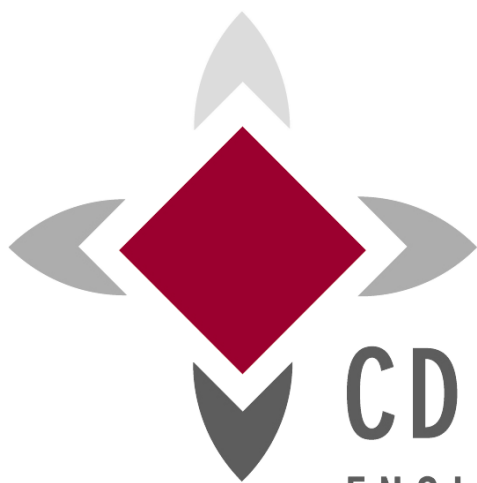
Review any upcoming changes to you facility for environmental compliance to prevent any last minute issues from slowing down your progress.



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.

972-889-7200

[ddurant@cdenvironmentaleng.com](mailto:ddurant@cdenvironmentaleng.com)



**CD ENVIRONMENTAL**  
ENGINEERING LLC