



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

3rd Qtr | 2022

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.

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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

Accidental Release Prevention Requirements

The Environmental Protection Agency (EPA) is proposing to amend its Risk Management Program (RMP) regulations as a result of Agency review. The proposed revisions include several changes and amplifications to the accident prevention program requirements, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification. These proposed amendments seek to improve chemical process safety; assist in planning, preparedness, and responding to RMP-reportable accidents; and improve public awareness of chemical hazards at regulated sources. Comments must be received on or before October 31, 2022. Public Hearings: EPA will hold virtual public hearings on September 26, 2022; September 27, 2022; and September 28, 2022, at <https://www.epa.gov/rmp/forms/virtual-public-hearings-risk-management-program-safer-communities-chemical-accident>.

Emission Standards for HAPS - Oklahoma

The Oklahoma Department of Environmental Quality (ODEQ) has submitted updated regulations for receiving delegation and approval of its program for the implementation and enforcement of certain National Emission Standards for Hazardous Air Pollutants (NESHAP) for all sources (both part 70 and non-part 70 sources), as provided for under previously approved delegation

mechanisms. The updated state regulations incorporate by reference certain NESHAP promulgated by the EPA at parts 61 and 63, as they existed through June 30, 2019. The EPA is providing notice that it is taking final action to approve the delegation of certain NESHAP to ODEQ. The proposed delegation of authority under this action applies to sources located in certain areas of Indian country as discussed herein. This rule is effective on August 22, 2022. For further information, contact Mr. Rick Barrett at (214) 665-7227 or barrett.richard@epa.gov.

TCEQ Updates MACT and GACT Standards

The Texas Commission on Environmental Quality (TCEQ) administers federal regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) by incorporating these regulations by reference into Chapter 113, Subchapter C, of the Texas Administrative Code. The EPA has amended several Maximum Achievable Control Technology (MACT) and Generally Available Control Technology (GACT) standards since Chapter 113, Subchapter C was last amended in 2016.

TCEQ should incorporate the amended standards into Chapter 113, Subchapter C to avoid inconsistency between federal and state requirements; to allow the commission to enforce the most current MACT and GACT standards prior to receiving formal delegation of the amended standards; to facilitate delegation of the amended MACT standards from the EPA; and to maintain existing delegation.



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Renewable Fuel Standard (RFS) Program: RFS Annual Rules

The EPA is required to set standards every year to implement nationally applicable renewable fuel volume targets. This action modifies the 2021 and 2022 statutory volume targets for cellulosic biofuel, advanced biofuel, and total renewable fuel, as well as establishes the 2022 volume target for biomass-based diesel. This action also modifies the previously established cellulosic biofuel, advanced biofuel, and total renewable fuel volume requirements for 2020. In addition, this action establishes the 2020, 2021, and 2022 renewable fuel percentage standards for all four of the above biofuel categories. Finally, this action also addresses a judicial remand of the 2016 standard-setting rulemaking, as well as several regulatory changes to the Renewable Fuel Standard (RFS) program, including regulations for the use of biointermediates to produce qualifying renewable fuel, flexibilities for regulated parties, and clarifications of existing regulations. This rule is effective on August 30, 2022. For further information, contact Dallas Burkholder, at 734-214-4766 or RFS-Rulemakings@epa.gov.

Protection of Stratospheric Ozone

Pursuant to the EPA Significant New Alternatives Policy program, this action proposes to list certain substances as acceptable subject to use conditions in the refrigeration and air conditioning sector for chillers—comfort cooling, residential dehumidifiers, non-residential dehumidifiers,

residential and light commercial air conditioning and heat pumps, and a substance as acceptable subject to use conditions and narrowed used limits in very low temperature refrigeration. Through this action, EPA is proposing to incorporate by reference standards which establish requirements for electrical air conditioners, heat pumps, and dehumidifiers, laboratory equipment containing refrigerant, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. Additionally, this action proposes to list certain substances as acceptable subject to use conditions in the fire suppression sector for certain streaming and total flooding uses. Finally, EPA requests advance comment on potential approaches to SNAP listing decisions for very short-lived substances that have ozone depletion potentials similar to those of ozone-depleting substances scheduled to be phased out. For further information, contact Holly Tapani at 202-564-0679 or tapani.holly@epa.gov.

Air Plan Approval; Oklahoma

The EPA is approving identified portions of two revisions to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma designee on May 15, 2020, and February 9, 2021. This action addresses revisions to the Oklahoma SIP pertaining to the general SIP definitions under Oklahoma Administrative Code (OAC) Title 252, Chapter 100, Subchapter 1, Section 1-3, and revisions to the Oklahoma SIP to update the incorporation by reference of Federal requirements under OAC Title 252, Chapter 100, Subchapter 2, and Appendix Q. This rule is effective on September 15, 2022. For further information, contact Adina Wiley at 214-665-2115 or wiley.adina@epa.gov.



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Control for Sulfur Dioxide Nonattainment Areas

On April 30, 2021, the EPA designated parts of Howard, Hutchinson, and Navarro Counties as nonattainment for the Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The attainment date for all three nonattainment areas is April 30, 2026. Air dispersion modeling of authorized emissions showed that certain sources in each nonattainment area contribute to violations of the SO₂ NAAQS. The rules are intended to make state and federally enforceable the emission rates, stack parameters, and other associated control requirements as well as accompanying compliance obligations (monitoring, recordkeeping, reporting, and testing requirements) that attainment demonstration modeling shows will result in attainment upon rule compliance. The rules will be submitted to the EPA along with the attainment demonstration state implementation plan (SIP) revisions being adopted concurrently for the three nonattainment areas (Non-Rule Project Nos. 2021-010-SIP-NR, 2021-011-SIP-NR, and 2021-012-SIP-NR).

The rules provide new Subchapters E, F, and G in 30 Texas Administrative Code (TAC) Chapter 112, with a new subchapter for each nonattainment area. Because the attainment demonstration modeling required specific limits at individual sources at applicable sites to demonstrate attainment, the rules apply only to specified emission points and emission caps at specified sites in the nonattainment areas.

The rules are intended to make state and federally enforceable the emission rate limits, stack parameters, and

other associated control requirements as well as accompanying compliance obligations (monitoring, recordkeeping, reporting, and testing requirements) that are needed to demonstrate attainment. Anticipated effective date is October 27, 2022.



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New Environmental Compliance/ Waste/Wastewater Regulations

Adopting 2022 NAICS Codes for TRI Reporting

EPA is proposing to update 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) 2022 NAICS code revision. OMB updates the NAICS codes every five years. EPA currently uses 2017 NAICS codes and is proposing to implement the 2022 codes for TRI Reporting Year 2022 (i.e., facilities reporting to TRI would be required to use 2022 NAICS codes on reports that are due to the Agency by July 1, 2023). The actual data required by a TRI form will not change as a result of this rulemaking, nor will the rule affect the universe of TRI reporting facilities that are required to submit reports to the Agency under the Emergency Planning and Community Right-to-Know Act (EPCRA). The Emergency Planning and Community Right-to-Know Information Center; telephone number: (800) 424-9346 or (703) 348-5070 in the Washington, DC Area and International; website: <https://www.epa.gov/aboutepa/epa-hotlines>.

Addition of Diisononyl Phthalate Category; Toxic Chemical Release Reporting

On September 5, 2000, in response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA issued a proposed rule to add a diisononyl phthalate (DINP) category to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA proposed to add this chemical category to the EPCRA toxic chemical list based on its preliminary conclusion that this category met the EPCRA toxicity criterion. EPA has updated its hazard assessment for DINP and is proposing to add DINP as a category defined to include branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. The updated hazard assessment demonstrates that the proposed DINP category meets the EPCRA toxicity criterion because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans; specifically, developmental, kidney, and liver toxicity. EPA is proposing to add the DINP category to the toxic chemical list on this basis and is requesting comment on the updated DINP hazard assessment and associated updated economic analysis. For further information, contact Daniel R. at (202) 566-0743 or bushman.daniel@epa.gov.



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e-Manifest System Advisory Board; Notice of Public Meeting

The Environmental Protection Agency (EPA) will convene the Hazardous Waste Electronic System (e-Manifest) Advisory Board for a three (3) day virtual public meeting. The purpose of the meeting is for EPA to seek the Board's consultation and recommendations regarding the e-Manifest system (Meeting Theme: “ Roadmap to 100% Electronic Manifests”). Virtual Public Meeting: The meeting was held October 4-6, 2022, from 10:00 a.m. to approximately 6:00 p.m. (EDT). For further information, contact Fred Jenkins at jenkins.fred@epa.gov or 202-564-0344.

Cross-Media Electronic Reporting

On June 2, 2022, the Texas Commission on Environmental Quality (TCEQ) submitted an application titled National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Tool (NeT) for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed TCEQ's request to revise/modify its EPA-authorized programs and based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve TCEQ's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR . The EPA's approval of the Texas

Commission on Environmental Quality (TCEQ) request to revise/modify certain of its EPA-authorized programs to allow electronic reporting as of August 23, 2022. For further information, contact Shirley M. Miller at (202) 566-2908 or miller.shirley@epa.gov.

Designation of PFOA and PFOS as CERCLA Hazardous Substances

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), the EPA is proposing to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, as hazardous substances. CERCLA authorizes the Administrator to promulgate regulations designating as hazardous substances such elements, compounds, mixtures, solutions, and substances which, when released into the environment, may present substantial danger to the public health or welfare or the environment. Such a designation would ultimately facilitate cleanup of contaminated sites and reduce human exposure to these “forever” chemicals. For further information, contact Michelle Schutz at 703-346-9536 or schutz.michelle@epa.gov.

Upcoming Compliance Reminders

October

10	❖ Groundwater or Purchased Water Systems: DLQOR
18	❖ Advanced Air Permitting Seminar https://web.cvent.com/event/12ea9594-9613-4c98-b699-b0716a518983/regProcessStep1?rp=83afec0e-1dc8-4dfe-9ccf-b05883fe561f
31	❖ Annual Air Emissions/Inspection fees are invoiced. Fees are due 30 days from the invoice date.

November

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

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.
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January

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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