



CD ENVIRONMENTAL ENGINEERING LLC

Regulatory focus

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ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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New Air Regulations

NOx and VOC RACT 8hr O3 Rules Revision for Wise County, TX

The NOX rulemaking would revise Chapter 117 to implement Reasonably Available Control Technology (RACT) requirements for major sources of NOx in the Houston-Galveston-Brazoria and Dallas-Fort Worth and ozone nonattainment areas to fulfill federal NOx RACT requirements based on the reclassification to serious for both areas for the 2008 eight-hour ozone NAAQS. The proposed rulemaking focus is on implementing RACT requirements for Wise County.

The proposed rulemaking would be applicable to owners or operators of major stationary sources of NOX located in the DFW area. All major sources of NOX in the DFW 2008 eight-hour ozone nonattainment area, except Wise County, are already subject to Chapter 117 rule requirements that meet or exceed RACT. Because Wise County was previously classified as moderate nonattainment for the 2008 eight-hour ozone standard and this proposed rulemaking would extend implementation of RACT to all major sources of NOX with a major source threshold of 50 tpy located in Wise County, owners or operators of any stationary gas-fired or diesel engine, stationary gas-fired turbine, gas-fired process heater, or incinerator located in Wise County would be required to comply with the proposed rules. For further information, please contact Javier Galván, Rule Project Manager, Air Quality Division at (512) 239-1492

The VOC rulemaking would revise Chapter 115 to implement Reasonably Available Control Technology requirements for CTG emission source categories and non-CTG major sources of VOC in the Houston-Galveston-Brazoria and Dallas-Fort Worth areas. The major source threshold for serious nonattainment areas is the potential to emit 50 tons per year (tpy) of VOC. The proposed rulemaking focus is on updating the major source threshold for storage tanks in Wise County to 50 tpy achieving consistency with the thresholds for the rest of the Dallas-Fort Worth nonattainment area.

The proposed rulemaking would revise Chapter 115, Subchapter B, Division 1, Storage of Volatile Organic Compounds, to implement VOC RACT for major source fixed roof oil and condensate storage tanks in Wise County. The proposed rule revisions would address major source storage tanks in Wise County by requiring fixed roof oil and condensate tanks with at least 50 tpy of uncontrolled VOC emissions from flashed gasses to operate a control device achieving at least 95% efficiency. For further information, please contact Graham Bates, Rule Project Manager, Air Quality Division, (512) 239-2606

TCEQ New Source Review: ePermits Announcement

With the latest update to ePermits, the Texas Commission on Environmental Quality (TCEQ) Air Permits Division will begin accepting all case-by-case applications through ePermits. Applicants also may void their own registrations/permits through ePermits by using our new void permit application.



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Approval of Texas SIP; Revisions to Public Notice for Air Quality Permits

The Environmental Protection Agency (EPA) is approving one revision to the Texas State Implementation Plan (SIP) submitted on July 9, 2018 to revise the public notice provisions for certain air quality permit applications. The EPA is also finalizing ministerial changes to the Code of Federal Regulations (CFR) to reflect recent EPA SIP approvals to the Texas SIP for public notice provisions for air quality permit applications. The EPA has determined that the revisions adopted on May 9, 2018, and submitted on July 9, 2018, were developed in accordance with the CAA and EPA's regulations, policy and guidance for NSR permitting. Therefore, under section 110 of the Act, the EPA approves the following revisions to the Texas SIP submitted on July 9, 2018:

- Revisions to 30 TAC Section 39.411—Text of Public Notice;
- Revisions to 30 TAC Section 39.603—Newspaper Notice; and
- Revisions to 30 TAC Section 55.152—Public Comment Period.

The EPA is also approving ministerial changes to 40 CFR 52.2270(c) to reflect that 30 TAC Section 39.411(e)(11)(A)(v) adopted by the State December 7, 2016, was SIP-approved on May 9, 2018 (83 FR 21180). This section was subsequently renumbered in the July 9,

2018, submitted revisions to 30 TAC Section 39.411 and will therefore be SIP-approved as of the May 9, 2018 State adoption date. This rule is effective on August 12, 2019. For further information, please contact Elizabeth Layton at 214-665-2136 or layton.elizabeth@epa.gov.

Error Correction of the Area Designations for the 2010 1-Hour SO₂

The EPA is proposing to correct an error in the designations for three areas in Texas: Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County. On December 13, 2016, portions of Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County were designated as nonattainment for the 2010 primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). Under the Clean Air Act (CAA or Act) authority to correct errors, the EPA is proposing that they erred in not giving greater weight to Texas' preference to characterize air quality through monitoring, and steps undertaken by Texas to begin monitoring in these three areas, when considering all available information; in relying on available air quality analyses in making the initial designations that the EPA recognizes included certain limitations; or a combination of these two issues. Therefore, to correct these errors, the EPA is proposing that the previously designated nonattainment areas in Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County in Texas each be revised to be designated as unclassifiable. For further information, please contact t Corey Mocka at (919) 541-5142 or mocka.corey@epa.gov.



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Determinations of Attainment by the Attainment Date

The EPA is taking final action for 11 ozone nonattainment areas that are classified as “Moderate” for the 2008 ozone national ambient air quality standards (NAAQS). First, the agency is determining that two Moderate areas—Baltimore, Maryland, and Mariposa County, California—attained the standards by the July 20, 2018, applicable attainment date. Second, the agency is granting a 1-year attainment date extension for the two Moderate areas in Sheboygan County, Wisconsin—Inland Sheboygan County, Wisconsin, and Shoreline Sheboygan County, Wisconsin. Third, the agency is determining that seven Moderate areas failed to attain the standards by the applicable attainment date—Chicago-Naperville, Illinois-Indiana-Wisconsin; Dallas-Fort Worth, Texas; Greater Connecticut, Connecticut; Houston-Galveston-Brazoria, Texas; Nevada County (Western part), California; New York-North New Jersey-Long Island, New York-New Jersey-Connecticut; and San Diego County, California. The effect of failing to attain by the applicable attainment date is that these areas will be reclassified by operation of law to “Serious” nonattainment for the 2008 ozone NAAQS on September 23, 2019, the effective date of this final rule. Accordingly, the responsible state air agencies must submit State Implementation Plan (SIP) revisions and implement controls to satisfy the statutory and regulatory requirements for Serious areas for the 2008 ozone. This rule is effective on September 23, 2019. For further information, please contact Ms. Virginia Raps at (919) 541-4383 or raps.virginia@epa.gov.

TCEQ NSR: Version 4.0 of the Form PI-1 General Application Released

The Air Permits Division has released Version 4.0 of the Form PI-1 General Application.

The associated tips sheet and list of changes have also been updated. Version 3.0 and its associated patch numbers 3.1, 3.2, and 3.3 will continue to be accepted through November 30, 2019. Applications received on December 1, 2019 or later must use Version 4.0 and its associated patch numbers.

Approval of Texas SIP; Control of Air Pollution From Motor Vehicles

The EPA is approving revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ or State). The revisions remove rules from the Texas SIP that address the Low Income Repair Assistance Program (LIRAP) for certain participating counties. In the direct final rule, the EPA approved the State's submittal to remove from the Texas SIP rules that address motor vehicle anti-tampering requirements and the LIRAP for participating Early Action Compact (EAC) counties. This final rule is effective on October 25, 2019. For further information, please contact Carrie Paige at 214-665-6521 or paige.carrie@epa.gov.



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Oil and Natural Gas Sector: Emission Standards for New, Reconstructed

As directed by the President in March 2017, the EPA has reviewed the 2012 NSPS OOOO and 2016 NSPS OOOOa with attention to whether the rules “unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest,” and if so, appropriately “suspend, revise, or rescind” regulatory requirements. From this review, the EPA is now proposing to determine that some of the requirements under those rules are inappropriate because they affect sources that are not appropriately identified as part of the regulated source category, and some of the requirements under the 2016 NSPS OOOOa are unnecessary insofar as they impose redundant requirements. Accordingly, the EPA is acting to rescind those requirements while maintaining health and environmental protections from appropriately identified emission sources within the regulated source category.[9]

Specifically, the EPA is co-proposing two potential actions: a primary proposal and an alternative proposal. The primary proposal contains two steps. In the first step, the EPA is proposing to revisit its 2012 and 2016 interpretations of, and its 2016 revision to, the regulated source category to cover sources in the transmission and storage segment, and to rescind the NSPS requirements applicable to those sources. Having reexamined the transmission and storage segment, the EPA has determined that the purported revision in 2016 of the pre-existing source category (which the EPA now proposes to conclude was originally intended to include only the production and processing segments)

was not appropriate. Because the transmission and storage segment constitutes a separate source category from the production and processing segments, the EPA could have listed it for regulation under CAA section 111(b) only by making a significant contribution and endangerment finding as required by the statute, which the EPA never did. Accordingly, under the first step of the primary proposal, the EPA proposes to rescind the standards applicable to sources in the transmission and storage segment of the oil and gas industry.

As the second step, the EPA is proposing to rescind the methane requirements of the NSPS applicable to sources in the production and processing segments. The EPA proposed to conclude that those methane requirements are entirely redundant with the existing NSPS for VOC and, thus, establish no additional health protections. Indeed, due to the identical emission source control technologies for methane and VOC, the EPA, when establishing the 2016 NSPS OOOOa, found no need for any changes to the existing NSPS requirements for VOC when that rule explicitly examined regulation of methane emissions. Rescinding the applicability to methane emissions of the 2016 NSPS OOOOa requirements, while leaving the applicability to VOC emissions in place, will not affect the amount of methane emission reductions that those requirements will achieve.

Under the alternative proposal, the EPA is proposing to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources in the source category as it is currently constituted, without undoing the 2012 and 2016 interpretations or expansion of the source category to include sources in the transmission and storage segment. The rationale for rescinding the methane requirements



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under this alternative proposal is the same as noted immediately above, that is, that they are entirely redundant with the existing NSPS for VOC.

For further information, please contact Ms. Amy Hambrick at (919) 541-0964 or hambrick.amy@epa.gov.

Guidelines for GHG Emissions From Existing Electric Utility Generating Units

The EPA is finalizing three separate and distinct rulemakings. First, the EPA is repealing the Clean Power Plan (CPP) because the Agency has determined that the CPP exceeded the EPA's statutory authority under the Clean Air Act (CAA). Second, the EPA is finalizing the Affordable Clean Energy rule (ACE), consisting of Emission Guidelines for Greenhouse Gas (GHG) Emissions from Existing Electric Utility Generating Units (EGUs) under CAA section 111(d), that will inform states on the development, submittal, and implementation of state plans to establish performance standards for GHG emissions from certain fossil fuel-fired EGUs. In ACE, the Agency is finalizing its determination that heat rate improvement (HRI) is the best system of emission reduction (BSER) for reducing GHG—specifically carbon dioxide (CO₂)—emissions from existing coal-fired EGUs. Third, the EPA is finalizing new regulations for the EPA and state implementation of ACE and any future emission guidelines issued under CAA section 111(d). Effective September 6, 2019. For further information, please contact Mr. Nicholas Swanson at (919) 541-4080 or swanson.nicholas@epa.gov.

Municipal Solid Waste Landfills Residual Risk and Technology Review for HAPs

The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Municipal Solid Waste (MSW) Landfills source category. The EPA is proposing decisions concerning the residual risk and technology review (RTR). The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganize rule text to incorporate provisions from the new source performance standards (NSPS) within this subpart; and add requirements for electronic reporting of performance test results. The EPA is also proposing minor changes to the MSW Landfills NSPS and Emission Guidelines and Compliance Times for MSW Landfills. Specifically, the EPA is proposing to add provisions to the most recent MSW Landfills NSPS and Emission Guidelines (EG) that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements of the most recent NSPS and EG by following the corresponding requirements in the MSW Landfills NESHAP. For further information, please contact Andrew Sheppard at (919) 541-4161 or Sheppard.Andrew@epa.gov.



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TCEQ toxicologists propose ethylene oxide limit

TCEQ's Toxicology, Risk Assessment, and Research Division has proposed a 4 parts per billion health-protective concentration for ethylene oxide. Once finalized, TCEQ will use the ethylene oxide effect screening level in the review of air permits for new facilities in Texas. The newly derived ethylene oxide long-term ESL will replace the one that TCEQ is currently using, which is set at 1 part per billion. TCEQ's proposed long-term ESL is 4 ppb and supported by robust science.

Proposed Renewal of MSW Landfill General Operating Permit Number 517

The TCEQ is providing an opportunity for public comment and a notice and comment hearing on the draft Municipal Solid Waste Landfill (MSWL) General Operating Permit (GOP) Number 517. The draft GOP contains revisions based on recent federal and state rule changes, which include updates to the requirements tables; the addition of new requirements tables; and updates to the terms. This renewal also corrects typographical errors and updates language for administrative preferences. Comments may be emailed to Ms. Sherry Davis at sherry.davis@tceq.texas.gov.

DFW and HGB Serious Classification SIP Revisions for the 2008 8-hr O₃ NAAQS

On September 11, 2019, the commission approved proposal of three revisions to the Texas SIP for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS): the Dallas-Fort Worth (DFW) Serious Classification Attainment Demonstration (AD) SIP Revision (Non-Rule Project No. 2019-078-SIP-NR), the Houston-Galveston-Brazoria (HGB) Serious Classification AD SIP Revision (Non-Rule Project No. 2019-077-SIP-NR), and the DFW and HGB Serious Classification Reasonable Further Progress SIP Revision (Non-Rule Project No. 2019-079-SIP-NR). The DFW AD SIP revision would also incorporate proposed revisions to the 30 Texas Administrative Code Chapters 115 and 117.

The public comment period will open on September 13, 2019 and close on October 28, 2019. A public hearing will be held in Houston on October 14, 2019 at 2:00 p.m. in the Texas Department of Transportation District Office Auditorium, 7600 Washington Avenue. A public hearing will be held in Arlington on October 17, 2019 at 2:00 p.m. in the Arlington City Council Chambers, 101 W. Abram Street.



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Approval of Revisions to Oklahoma SIP

The EPA is approving revisions to the State Implementation Plan (SIP) for Oklahoma as proposed on March 22, 2018, and October 5, 2018. The revisions submitted by Oklahoma were contained in annual SIP updates for 2013, 2014, 2015, and 2016, and incorporate the latest changes to the EPA regulations. The overall intended outcome of this rulemaking is to make the approved Oklahoma SIP consistent with current Federal and State requirements. The EPA is taking this action in accordance with the federal Clean Air Act (CAA, the Act).

The EPA is approving rule revisions to OAC:252:100 Subchapters 13 Open Burning, 17 Incinerators, 25 Visible Emissions and Particulates, 31 Control of Emission of Sulfur Compounds, Appendix E Primary Ambient Air Quality Standards, and Appendix F Secondary Ambient Air Quality Standards as submitted on February 14, 2017. This rule is effective as of September 3, 2019. For further information, please contact Mr. Alan Shar at 214-665-6691 or shar.alan@epa.gov.



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New Environmental Compliance/ Waste/Wastewater Regulations

Notice of Availability: Deepwater Horizon Oil Spill Louisiana Trustee Implementation Final Restoration Plan

In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification (Final Supplemental RP/EA). The Final Supplemental RP/EA describes and, in conjunction with the associated Finding of No Significant Impact (FONSI), selects the modified Lake Charles Science Center and Educational Complex (SCEC) project considered by the Louisiana TIG to compensate for recreational use services lost as a result of the Deepwater Horizon oil spill. The Louisiana TIG evaluated project alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and evaluated the environmental consequences of the alternatives in accordance with the NEPA. The selected project is consistent with the restoration alternatives selected in the Deepwater Horizon oil spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement

(PDARP/PEIS). The Federal Trustees of the Louisiana TIG have determined that implementation of the Final Supplemental RP/EA is not a major federal action significantly affecting the quality of the human environment within the context of the NEPA. They have concluded a FONSI is appropriate, and, therefore, an Environmental Impact Statement will not be prepared. The purpose of this notice is to inform the public of the approval and availability of the Final Supplemental RP/EA and FONSI. For further information, please contact Tim Landers, 202-566-2231

Renewal of the Multi-Sector General Permit (MSGP)

The TCEQ is in the process of renewing the TPDES Stormwater Multi-Sector General Permit, TXR050000, which expires on August 14, 2021. The TCEQ will hold a stakeholder meeting to discuss the renewal of the MSGP on October 18, 2019

This meeting will be available by webcast at the time of the meeting by clicking on :

<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html> Or

<https://www.youtube.com/user/TCEQNews>

For additional information about the meeting, please review the following invitation:

<https://www.tceq.texas.gov/assets/public/permitting/stormwater/stakeholder-meeting-announcement-9-20-2019.pdf>



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Proposed TCEQ Sludge Rule Change

The TCEQ Office of Water is initiating rule changes to the Chapter 312 rules to provide clarification for the intent of rule requirements.

Clarifications include the following:

- that the rules do not authorize the land application of domestic sewage sludge mixed with processed or unprocessed grit trap or grease trap waste;
- which buffer zones are required to be established at issuance of a permit or registration and maintained at all times;
- the 750-foot buffer for an established school, institution, business, or occupied residential structure must be established at issuance of a permit or registration and re-evaluated during renewal or major amendment of a permit;
- processing of sewage sludge or domestic septage would require an authorization under 30 TAC Chapter 330 or 332 if processing facility is not located at a permitted domestic wastewater treatment plant;
- adding general requirements, metal limits, management practices, monitoring, recordkeeping and reporting for water treatment sludge to be consistent with federal requirements and longstanding registration and permitting practices;

- making the quarter-mile notice requirements for Class B land application permits consistent with Texas Health and Safety Code (THSC), §361.121(c); and
- improving readability of the current transportation and temporary storage rules.

Other changes include the following:

- the use of the term “biosolids” as it pertains to beneficial land application of treated domestic sewage sludge (Class A, Class AB and Class B);
- renaming Water Treatment Sludge to Water Treatment Residuals to be consistent with accepted industry terminology;
- revising and adding definitions based on stakeholder input and assist in clarifying existing rule language; and
- including recordkeeping and reporting requirements for storage, staging and harvesting at land application sites.

For further information, please contact Brian Sierant at (512) 239-1375.



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Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)

EPA is proposing a rule to address certain persistent, bioaccumulative, and toxic chemicals identified pursuant to section 6(h) of the Toxic Substances Control Act (TSCA). These five chemicals are: Decabromodiphenyl ether; phenol, isopropylated phosphate (3:1), also known as tris(4-isopropylphenyl) phosphate; 2,4,6-tris(tert-butyl)phenol; hexachlorobutadiene; and pentachlorothiophenol. This proposed rule would restrict or prohibit manufacture (including import), processing, and distribution in commerce for many uses of four of these five chemical substances. EPA has evaluated the uses of hexachlorobutadiene and is proposing no regulatory action. For the other four, this proposal includes recordkeeping requirements. Additional downstream notification requirements are proposed for phenol, isopropylated phosphate (3:1). For further information, please contact Cindy Wheeler at (202) 566-0484 or wheeler.cindy@epa.gov.

Upcoming Compliance Reminders

October

8-10	<ul style="list-style-type: none"> ❖ The Autumn Environmental Conference and Expo <u>Palmer Events Center</u> 900 Barton Springs Rd. Austin, TX 78704
20	<ul style="list-style-type: none"> ❖ Wastewater Discharge: Quarterly biomonitoring DMR and tables ❖ Wastewater Discharge: September DMR

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
30	<ul style="list-style-type: none"> ❖ Annual water quality fees are invoiced for Stormwater General Permits (except for Stormwater Construction General Permits). Fees are due 30 days from the invoice date.

January

1	<ul style="list-style-type: none"> ❖ Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year
30	<ul style="list-style-type: none"> ❖ Emissions Inventory Workshop <u>J.J. Pickle Research Campus Commons Learning Center</u> 10100 Burnet Road, Building #137, Austin, TX 78758
25	<ul style="list-style-type: none"> ❖ Industrial and hazardous waste: Annual Waste Summary report (paper filers)
31	<ul style="list-style-type: none"> ❖ Toxics Release Inventory fees are invoiced. Fees are due 30 days from the invoice date.

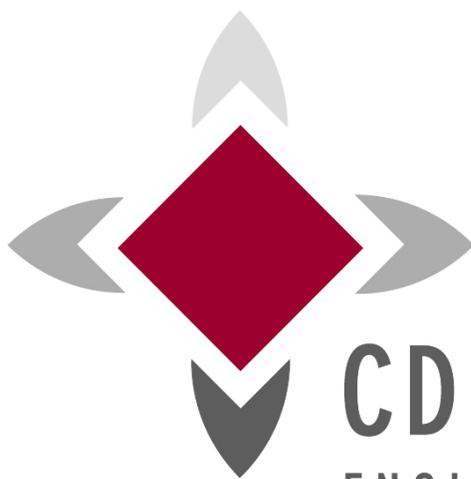
Plan Ahead!

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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