



# CD ENVIRONMENTAL ENGINEERING LLC

## *Regulatory focus*

4th Qtr | 2021

ADDRESSING THE NEEDS OF THE REGULATED  
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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

## New Air Regulations

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### Standards of Performance: Oil and Natural Gas Sector Climate Review

The U.S. Environmental Protection Agency (EPA) is proposing three distinct groups of actions under the Clean Air Act (CAA) which are collectively intended to significantly reduce emissions of greenhouse gases (GHGs) and other harmful air pollutants from the Crude Oil and Natural Gas source category. First, the EPA proposes to revise the new source performance standards (NSPS) for GHGs and volatile organic compounds (VOCs) for the Crude Oil and Natural Gas source category under the CAA to reflect the Agency's most recent review of the feasibility and cost of reducing emissions from these sources. Second, the EPA proposes emissions guidelines (EG) under the CAA, for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit GHGs from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the EPA is taking several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021 under the Congressional Review Act (CRA), disapproving the EPA's final rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," Sept. 14, 2020 ("2020 Policy Rule"). This proposal responds to the President's January 20, 2021, Executive order (E.O.) titled "Protecting Public Health and the Environment and Restoring Science to Tackle the

Climate Crisis," which directed the EPA to consider taking the actions proposed here. For more information, contact Ms. Karen Marsh at (919) 541-1065 or [marsh.karen@epa.gov](mailto:marsh.karen@epa.gov).

### Revised 2023 and Later Year Light-Duty Vehicle Greenhouse Gas Emissions

The EPA is revising the greenhouse gas (GHG) emissions standards under the Clean Air Act section 202(a) for light-duty vehicles for 2023 and later model years to make the standards more stringent. On January 20, 2021, President Biden issued Executive Order 13990 "Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis" directing EPA to consider whether to propose suspending, revising, or rescinding the standards previously revised under the "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks," promulgated in April 2020. EPA is revising the GHG standards to be more stringent than the SAFE rule standards in each model year from 2023 through 2026. EPA is also including temporary targeted flexibilities to address the lead time of the final standards and to incentivize the production of vehicles with zero and near-zero emissions technology. In addition, EPA is making technical amendments to clarify and streamline our regulations. This final rule is effective on February 28, 2022. For more information, contact Elizabeth Miller at (734) 214-or [miller.elizabeth@epa.gov](mailto:miller.elizabeth@epa.gov).



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## NESHAP: Carbon Black Production and Cyanide Chemicals Manufacturing

This action finalizes the residual risk and technology reviews (RTR) conducted for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories, and the technology review conducted for Carbon Black Production area sources, regulated under National Emission Standards for Hazardous Air Pollutants (NESHAP). In addition, the EPA is taking final action to add new emissions standards for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories to address hazardous air pollutant (HAP) emissions not previously covered by these NESHAP. The EPA is also finalizing amendments for both source categories that address the startup, shutdown, and malfunction (SSM) provisions of the existing standards, and require electronic reporting of certain notifications, performance test results, and semiannual reports. These final rules are effective on November 19, 2021. For more information, contact Korbin Smith at (919) 541-2416 [smith.korbin@epa.gov](mailto:smith.korbin@epa.gov).

## NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations

The EPA is proposing the results of the technology review conducted in accordance with the Clean Air Act (CAA) for the National Emissions Standards for Hazardous Air

Pollutants (NESHAP) for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and proposing amendments to the NESHAP. The EPA is proposing no changes to the standards as a result of the technology review. The EPA is proposing to amend provisions regarding electronic reporting; make miscellaneous clarifying and technical corrections; simplify the petition for exemption process; and clarify requirements addressing emissions during periods of startup, shutdown, and malfunction (SSM). The EPA will post a copy of this proposed action at <https://www.epa.gov/stationary-sources-air-pollution/paint-stripping-and-miscellaneous-surface-coating-operations>. For more information, contact Mr. John Feather (919) 541-3052 or [feather.john@epa.gov](mailto:feather.john@epa.gov).

## Air Emission Standards for Dry Cleaning Facilities

The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for dry cleaning facilities using perchloroethylene (PCE) as the cleaning solvent (PCE Dry Cleaning NESHAP). The proposed amendments address the results of the technology review for the PCE Dry Cleaning NESHAP, in accordance with section 112 of the Clean Air Act (CAA). Based on the findings of the technology review, the EPA proposes to add provisions to the rule which will require all dry-to-dry machines at existing major and area sources to have both refrigerated condensers and carbon adsorbers as secondary controls. Comments must be received on or before February 10, 2022. For more information, contact Brian Storey (919) 541-1103 or [brian.storey@epa.gov](mailto:brian.storey@epa.gov).



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## New Environmental Compliance/ Waste/Wastewater Regulations

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### Revised Definition of “Waters of the United States”

The EPA is announcing the extension of the Toxics Release Inventory (TRI) reporting requirements to certain contract sterilization facilities under its discretionary authority through the Emergency Planning and Community Right-to-Know Act (EPCRA). Pursuant to this authority, EPA decided to extend the reporting requirements for ethylene oxide releases and other waste management activities to 29 contract sterilization facilities; and to extend the reporting requirements for ethylene glycol to 16 of those facilities. EPA is applying this discretionary authority in response to concerns over potential health effects of ethylene oxide exposure and in support of the public's right-to-know. For more information, contact Stephanie Griffin (202) 564-1463 or [griffin.stephanie@epa.gov](mailto:griffin.stephanie@epa.gov).

### IHW Generator and Management Fees Increase

Revisions to the industrial and hazardous waste (IHW) generator and management fee rules are needed to increase revenue into the Waste Management Account, Fund 0549. Fund 0549 is facing a declining fund balance and these fee rates have not been adjusted since 1994.

The TCEQ is proposing to increase the IHW management fee schedule by 45% and to allow the executive director the ability to adjust the actual IHW management fee at or below the new fee schedule amounts. The executive director anticipates phasing in the fee increase over smaller increments and highlighting the declining Fund 549 balance during the 2023 Legislative Session. The executive director projects a 12% increase during the first year and 11% for the subsequent three years. The executive director will evaluate the fund balance and projected revenue each fiscal year to determine if these fee increases are necessary.

Per Texas Health and Safety Code (THSC), §361.133(d), the Texas Commission on Environmental Quality (agency or commission) may collect up to \$16 million per year for this fee. Based on current disposal amounts, a 45% increase phased in over four years will result in an estimated revenue close to, but below, the \$16 million cap.

The TCEQ is also proposing to increase the IHW generation fee schedule from \$0.50 to a maximum of \$2.00 per ton for nonhazardous waste generation, increase the IHW generation fee schedule from \$2.00 to a maximum of \$6.00 per ton for hazardous waste generation, and allow the executive director the ability to adjust the actual IHW generator fee at or below the new fee schedule amounts. The executive director anticipates phasing in the fee increase over four years and highlighting the declining Fund 549 balance during the 2023 Legislative Session. The executive director will evaluate the fund balance and projected revenue each fiscal year to determine if these fee increases are necessary.



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## Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting

In response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA is proposing to add 12 chemicals to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA believes that each of the 12 chemicals meets the EPCRA criteria. In addition, based on the available bioaccumulation and persistence data, EPA believes that one chemical should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and designated as a chemical of special concern with a 100-pound reporting threshold.

- Dibutyltin dichloride; 683-18-1
- 1,3-Dichloro-2-propanol; 96-23-1
- Formamide; 75-12-7
- 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran; 1222-05-5  
(Special Concern)
- N-Hydroxyethylethylenediamine; 111-41-1
- Nitrilotriacetic acid trisodium salt; 5064-31-3
- p-(1,1,3,3-Tetramethylbutyl)phenol; 140-66-9
- 1,2,3-Trichlorobenzene; 87-61-6
- Triglycidyl isocyanurate; 2451-62-9

- Tris(2-chloroethyl) phosphate; 115-96-8
- Tris(1,3-dichloro-2-propyl) phosphate; 13674-87-8
- Tris(dimethylphenol) phosphate; 25155-23-1

For more information, contact Daniel R. Bushman (202) 566-0743 or [bushman.daniel@epa.gov](mailto:bushman.daniel@epa.gov).

## Consolidation of TPDES Program Regulations

During the 2019 quadrennial rule reviews, the Texas Commission on Environmental Quality (TCEQ) determined that 30 Texas Administrative Code (TAC) Chapter 308, Subchapters C and J were obsolete. Additionally, the executive director identified several rules related to the Texas Pollutant Discharge Elimination System (TPDES) program that would be more appropriately consolidated with Chapter 305, Subchapter P. These rules include 30 TAC Chapters 308, 314, and 315, which contain adoption by reference of federal regulations, similar to 30 TAC Chapter 305, Subchapter P. Consolidating these rules would improve the overall organization of TCEQ rules related to the TPDES program. Lastly, the executive director identified a federal regulation related to cooling water intake structures at oil and gas facilities (40 Code of Federal Regulations (CFR) Part 125, Subpart N) that was not previously adopted when 40 CFR Part 125 was adopted in Chapter 308. This rulemaking would adopt this additional federal regulation by reference.



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## Addition of Natural Gas Processing Facilities to the TRI

The EPA is adding natural gas processing (NGP) facilities (also known as natural gas liquid extraction facilities) to the scope of the industrial sectors covered by the reporting requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA), commonly known as the Toxics Release Inventory (TRI), and the Pollution Prevention Act (PPA). Adding these facilities will meaningfully increase the information available to the public on releases and other waste management of listed chemicals from the NGP sector and further the purposes of EPCRA. This final rule is effective December 27, 2021 and shall apply for the reporting year beginning January 1, 2022 (reports due July 1, 2023). For additional information, contact Daniel R. Ruedy, at (202) 564-7974 or [ruedy.daniel@epa.gov](mailto:ruedy.daniel@epa.gov).

# Upcoming Compliance Reminders

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## Jan

<b>1</b>	❖ Executive Summary of Five-Year Pollution Prevention Plan, every fifth year.
<b>10</b>	❖ Groundwater or Purchased Water Systems: Disinfectant Level Quarterly Operating Report (DLQOR)
<b>20</b>	❖ Wastewater Discharge: Quarterly biomonitoring Discharge Monitoring Reports (DMR) and tables
<b>25</b>	<ul style="list-style-type: none"> <li>❖ Industrial and hazardous waste: annual summary report (paper filers).</li> <li>❖ Used Oil Collection Center: Annual Report; Renewal of Registration (every odd-numbered year)</li> <li>❖ Used Oil Handler: Biennial Report; Renewal of Registration (every even-numbered year)</li> </ul>
<b>27</b>	❖ Emissions Inventory Workshop – <a href="#">Register for the EI Workshop</a>
<b>31</b>	❖ Computer Manufacturers, TV Manufacturers and TV Recyclers: annual recycling report

## Feb

<b>20</b>	❖ Wastewater Discharge: January DMR
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## Mar

<b>1</b>	<ul style="list-style-type: none"> <li>❖ Industrial and Hazardous Waste: annual summary report (electronic filers)</li> <li>❖ Tier II chemical inventory reports</li> <li>❖ Scrap-tire Transporter: annual activity report</li> </ul>
<b>31</b>	<ul style="list-style-type: none"> <li>❖ Air Emission Inventory Annual Reports Due</li> <li>❖ Multi-sector stormwater general permit for industrial storm water discharges: including benchmark monitoring summary, DMRs on numeric effluent limit (annual hazardous metals), and DMRs on sector-specific, numeric effluent limits</li> </ul>

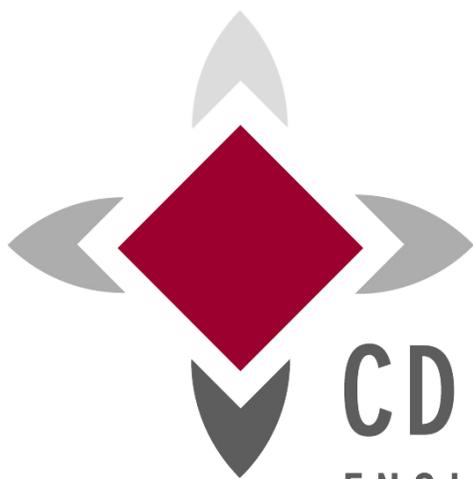
### Plan Ahead!

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.

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