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**TCEQ Updates**

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On January 31, 2005, TCEQ announced an enforcement initiative to reduce sources of NO<sub>x</sub> (nitrogen oxides) in the Houston area through investigations of large diesel engines at sites along the Houston Ship Channel.

On February 9, 2005, TCEQ proposed amendments to the Chapter 101 definitions of nonattainment area. The changes reflect the classifications under the existing one-hour standard and add the classifications under the new eight-hour ozone standard. Under the new standard, the eight-county Houston/Galveston/Brazoria (HGB) area and the nine-county Dallas/Fort Worth (DFW) area are classified as moderate, the three-county Beaumont/Port Arthur (BPA) area is marginal, and the three-county San Antonio area is nonattainment with a deferred effective date.

The new designations and classifications allow the TCEQ to revise its rules with regard to netting for nonattainment new source review (NNSR). As a result, TCEQ is proposing to make the following changes to Chapter 116:

- Adopt the federal model for netting triggers and periods, except that the 5 tpy trigger would be retained for areas that are serious or severe nonattainment areas (currently there are none in Texas under the eight-hour ozone standard);
- Eliminate the requirement for netting back to 1992 for larger major sources in nonattainment areas;
- Set the netting trigger at 40 tpy and set all netting periods at five years, except for areas that are designated serious or severe;

- Include contingency language in §116.150 and in footnotes to the definition of a major modification in §116.112 that will go into effect if EPA decides to require states to return to a one-hour standard for federal NNSR determinations (due to EPA's reconsideration of the Phase I Implementation Rule - see *EPA Updates* below);
- Allow reductions required by the HGB NO<sub>x</sub> mass emission cap and trade program to be creditable for netting, but not for offsets.

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**HRVOC Updates**

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On January 31, 2005, TCEQ announced an enforcement initiative to reduce sources of highly reactive volatile organic compounds (HRVOCs) in the Houston area. This initiative will include thorough on-site investigations of industrial facilities which in the past year reported unauthorized emissions of at least 1200 pounds of HRVOCs.

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**EPA Updates**

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In the February 3 Federal Register, EPA issued a request for comment regarding two aspects for implementing the 8-Hour National Air Quality Standard for ozone. EPA is taking comments on whether the section 185 fee provisions apply once the 1-hour NAAQS is revoked and the timing for determining what is an "applicable requirement" for purposes of anti-backsliding once the 1-hour NAAQS is revoked. Comments must be received by March 21, 2005. EPA also plans to address the issue of new source review (NSR) anti-backsliding in a separate action, in the near future, and to take final action on all three of these proposals by May 20, 2005.

In the February 16 Federal Register, EPA published an Advanced Notice of Proposed Rulemaking (ANPR) asking for public comment to help identify potentially inadequate monitoring with respect to Title V operating permits. This ANPR also asks for public comment on ways to improve such monitoring. The EPA believes that it will be more effective, equitable, and efficient to improve

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inadequate monitoring in applicable requirements through rulemakings or through other programmatic approaches, rather than on a case-by-case basis in Title V operating permits. Comments must be received by April 18, 2005. For details see: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005\\_register&docid=fr16fe05-20.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005_register&docid=fr16fe05-20.pdf) .

On February 18, EPA published a proposed New Source Performance Standard for stationary combustion turbines (NSPS KKKK) that would reflect changes in NO<sub>x</sub> emission control technologies and turbine design that have occurred since NSPS GG was promulgated. Comments are due by April 19, 2005. For details see: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-3000.htm>

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### ***MACT Updates***

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On February 9, EPA issued a direct final rule amending several sections of the MACT UUU standards for petroleum refinery catalytic cracking units, catalytic reforming units, and sulfur recovery units. The amendments will change the affected source designations and add new compliance options for catalytic reforming units that use different types of emission control systems, new monitoring alternatives for catalytic cracking units and catalytic reforming units, and a new procedure for determining the metal or total chloride concentration on catalyst particles. The amendments will also defer technical requirements for most continuous parameter monitoring systems and clarify testing and monitoring requirements. The amendments will be effective April 11, 2005, unless EPA receives significant adverse comments by March 11, 2005, or by March 28, 2005 if a public hearing is requested. For further details see <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-09/a2308.pdf>

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### ***Friendly Reminders***

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- Annual Waste Summaries that are submitted electronically are due by March 1.

- Texas Tier II/SARA 312 reports are due March 1.
- Submit Initial Notifications for boilers and process heaters subject to MACT DDDDD by March 12.
- Forms ECT-2 or ECT-4 to report purchased NO<sub>x</sub> allowances are due at least 30 days before deposit into the compliance account (i.e., by March 1 for allowances to be used on ECT-1 Forms due March 31).
- Annual compliance reports (ECT-1) for sources subject to the NO<sub>x</sub> Mass Emissions Cap and Trade Program are due March 31.
- Reports summarizing all uses of PBR §106.261 during the calendar year (and not previously registered) are due March 31.
- Final control plans required by §117.216 are due by March 31.
- Emission inventories are due March 31 unless otherwise specified by TCEQ.
- Install totalizing fuel flow meters, run time meters, and emissions monitors on units subject to §§117.213 and 117.214 by March 31.
- Comments on EPA's proposed Phase III cooling water intake structure rule must be received by EPA by March 24, 2005.

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### ***Did You Know . . .***

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For emissions authorized using PBR 106.261, when requesting an increase in annual throughput only, TCEQ is now asking for an evaluation not only of the annual emissions increases due to the requested increase in annual throughput, but also the lb/hr emissions, even if there is no change in the hourly throughput rate. TCEQ is requesting this evaluation since the source will be emitting for more hours per year at that rate.