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TCEQ Updates**Chapter 117 NO_x Rule: DFW Increment of Progress (IOP) and Technical Changes and Clarifications**

On April 27, TCEQ adopted changes to the Chapter 117 NO_x rule that will affect major and minor sources in all nonattainment areas in the state. The changes are effective May 19, 2005. Some of these changes follow.

- ◆ A 5% Increment of Progress (IOP) plan which includes new emission specifications and other requirements for certain engines in the Dallas/Fort Worth (DFW) area will be implemented.
- ◆ Totalizing fuel flow meters must be accurate to within ±5%.
- ◆ Data substitution methods to be used when a NO_x CEMS is off-line were specified.
- ◆ CEMS requirements for units which share a common CEMS and for units which have multiple stacks were clarified.
- ◆ The 5% IOP plan compliance date was added.
- ◆ The intent of the compliance schedule for sources (particularly relating to CEMS installation, certifications, and testing) in the HGA was clarified.

For more details, select the following link:

http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/05004117_adoCLEAN.pdf

DFW 5% Increment of Progress (IOP) VOC Controls

On April 13, 2005, TCEQ adopted rule changes required for the DFW 5% IOP for VOC controls. The rule subjects motor vehicle fuel dispensing facilities (Stage I only) and surface coating

processes located in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties to the same controls, monitoring, testing, recordkeeping, and reporting requirements to which the other four counties in the DFW nonattainment area are subject. The changes are effective May 5, 2005.

http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/05005115_adoCLEAN.pdf

On February 25, TCEQ proposed amending the Chapter 101 definition of nonattainment area to add the eight-hour ozone standard classifications: The eight-county Houston/Galveston/ Brazoria (HGB) area and the nine-county DFW area are moderate, the three-county Beaumont/ Port Arthur (BPA) area is marginal, and the three-county San Antonio area is nonattainment (deferred effective date). As a result of the new designations and classifications, TCEQ is proposing the following changes to Chapter 116:

- Adopt the federal model for netting triggers and periods (i.e., 40 tpy and five years), except that the 5 tpy trigger would be retained for serious or severe nonattainment areas (currently there are none in Texas under the 8-hr ozone standard);
- Eliminate the requirement for netting back to 1992 for larger major sources;
- Include contingency language in §116.150 and in footnotes to the §116.112 definition of major modification in case EPA requires states to return to a one-hour standard for federal NNSR (due to EPA's reconsideration of the Phase I Implementation Rule - see *EPA Updates*);
- Allow reductions required by the HGB NO_x mass emission cap and trade program to be creditable for netting, but not for NO_x credits or offsets.
- TCEQ has indicated that permit applications received after January 1, 2005, that will not be approved or issued prior to June 15, 2005, will not need a 1 hour ozone applicability analysis.

TCEQ held a series of stakeholder meetings in Austin, Houston, Midland and Corpus Christi to discuss future rulemaking for 30 TAC Subchapter F, relating to Emissions Events and Scheduled Maintenance, Start-up, and Shutdown Activities, including §101.221, §101.222 and §101.223

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(Operational Requirements, Demonstrations and Corrective Action, respectively). TCEQ has compiled comments, but has not yet developed a position on possible changes to the rules based on the comments. More information may be found at <http://www.tceq.state.tx.us/compliance/enforcement/stkholder/stkholdnotice.html>.

HRVOC Updates

On April 7, 2005, EPA proposed approval of the HRVOC control rules adopted by TCEQ. The comment period ends May 9, 2005. <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6944.pdf> .

EPA Updates

On February 28, EPA proposed changes to New Source Performance Standard (NSPS) Subparts Da, Db and Dc for Electric Utility Steam Generating Units, Industrial-Commercial-Institutional Steam Generating Units, and Small Industrial-Commercial-Institutional Steam Generating Units, respectively. The proposal would amend PM, SO₂, and NO_x emission standards for Subpart Da units and PM standards for coal-, oil-, or wood-fired units subject to Subparts Db or Dc. The proposal also includes changes to monitoring requirements. In addition, the proposal exempts from Subpart Da, Db, and Dc, fired heat recovery steam generators associated with combined cycle gas turbines that meet proposed NSPS Subpart KKKK requirements.

EPA has proposed revisions to the Emergency Planning and Community Right-to-Know Act (EPCRA) that would require toxic equivalents (TEQs) reporting for dioxin and dioxin-like compounds. Comments are due May 6. <http://www.epa.gov/fedrgstr/EPA-TOX/2005/March/Day-07/t4339.htm> .

EPA postponed until June 12, 2006, requirements to obtain National Pollutant Discharge Elimination System (NPDES) storm water permits for oil and gas construction activity that disturbs one to five acres of land. (March 9, 2005, Federal Register)

In the March 29, Federal Register, EPA published a final rule removing coal- and oil-fired electric utility steam generating units from the Clean Air Act source category list subject to MACT.

On April 4, EPA requested comment on whether they should retain major NSR requirements that apply to certain 1-hour ozone nonattainment areas in implementing the 8-hour standard and whether states should be allowed to remove 1-hour major NSR programs from a State Implementation Plan. <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6630.pdf>. Comments are due May 4, 2005.

MACT Updates

On April 13, EPA published a direct final rule amending the Ethylene Manufacturing MACT for Heat Exchange Systems and Waste Operations. The Ethylene MACT amendments clarify compliance requirements for benzene waste streams and for heat exchangers and heat exchanger systems, and specify off-site waste transfer provisions. The amendments also correct language that makes emissions from ethylene cracking furnaces during decoking operations an exception to the provisions and delineate overlapping requirements for storage vessels and transfer racks.

Friendly Reminders

- Submit HRVOC Level of Activity Certifications by April 30, 2005.
- Demonstrate initial compliance with MACT DDDDD (boilers & process heaters) by May 11, 2005.
- Submit notification of compliance status with MACT PPPP (surface coating of plastic parts) by May 30, 2005.
- Submit Form RSPA F7000.1-1 for pipeline systems subject to hazardous liquid pipeline regulations (49 CFR 195.49) by June 15, 2005.
- Comply with MACT CC requirements for internal floating roof seals by August 18, 2005.