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TCEQ Updates

Study of the Cumulative Effects of PBRs The TCEQ has initiated a pilot study of the cumulative effects of PBR use at a site. TCEQ will selectively evaluate predicted additional impacts of PBRs in case-by-case permitting of facilities.
http://www.tnrcc.state.tx.us/permitting/airperm/nsr_permits/files/pbrstudy05_05.pdf.

Limited Approval to Begin Construction Prior to Permit Approval The Texas legislature passed, and the governor signed into law, SB1740 which, to the extent permissible under federal law, will allow a person who submits a permit application for a modification or a lesser change to an existing facility to begin construction related to the application after the application is submitted and before the commission has issued the permit. TCEQ may not consider construction begun in determining whether to grant the permit. Such construction is begun at the person's own risk. This change applies only to permit applications submitted on or after September 1, 2005.

NSR for Eight-Hour Ozone Standard In the June 10 Texas Register, TCEQ adopted the following 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). Note: The major source thresholds for VOC and NO_x (as ozone precursors) are 50 tons/yr in moderate and 100 tons/yr in marginal nonattainment areas (including deferred effective date areas). The VOC and NO_x major modification thresholds are 25 tons/yr in moderate and 40 tons/yr in marginal and deferred effective date nonattainment areas.

As a result of the new designations, TCEQ adopted changes to Chapter 116, including:

- Adoption of the federal model for netting triggers and periods (i.e., 40 tpy and five years), except that the 5 tpy trigger is retained for serious or severe nonattainment areas (currently there are none in Texas);
- Elimination of netting back to 1992;
- Allowing reductions required by the HGB NO_x mass emission cap and trade (MECT) program to be creditable for netting, but not for NO_x credits or offsets.
- Adoption of the reformatted 116.150(a) to apply major modification procedures to all nonattainment New Source Review authorizations issued or claimed. TCEQ adopted this addition because netting procedures apply to sources authorized under standard permit or permit by rule to demonstrate that these modifications are not major.

Diesel Additive Storage Tank Authorization The Air Permits Division of the TCEQ has published a memo to clarify the authorization mechanism for diesel additive storage tanks and the handling of these materials at fuel terminals.
http://www.tnrcc.state.tx.us/permitting/airperm/nsr_permits/memopdf.

Proposed Changes for Emission Events TCEQ approved a proposal on June 29 that would revise notification and reporting requirements, and demonstration criteria for startup, shutdown and maintenance. Under the proposal, an owner or operator that was reasonably able to provide notification to TCEQ prior to the activity but did not, would lose the ability to claim the affirmative defense. The proposed new language would also phase out the affirmative defense for emissions from routine maintenance activities. TCEQ intends to begin allowing authorization of these types of emissions as permits are renewed, amended, or issued. Facilities authorized through mechanisms such as permits by rule, standard permits, standard exemptions, and special exemptions, would have two years to have routine maintenance activities authorized before losing the ability to claim an affirmative defense for

Corporate Office

14205 Burnet Road, Suite 600
Austin, Texas 78728
512.255.9999 • 512.255.8780 FAX

Houston Office

1120 NASA Road 1, Suite 630
Houston, Texas 77058
281.333.9990 • 281.333-9992 FAX

Midland Office

3000 N. Garfield Street, Suite 212
Midland, Texas 79705
432.682.9999 • 432.682.7774 FAX

those emissions. Subject to meeting §101.222(c)(1) - (9), the affirmative defense would continue to be available for maintenance activities for sudden and reasonably unforeseeable events beyond operator control.

Revisions are also proposed to the definition of "Reportable quantity (RQ)" including combination of all oxides of nitrogen (NO_x) and a new RQ for NO_x of 200 pounds in ozone nonattainment areas, ozone maintenance areas, ozone early action compact areas, and Nueces and San Patricio Counties. For all other areas of the state, the NO_x RQ would be 5,000 pounds. Also, the proposed default RQ for unlisted air contaminants would be increased from 100 pounds to 5,000 pounds for all areas other than nonattainment areas, near-nonattainment areas, maintenance areas, early action compact areas, and Nueces and San Patricio Counties. Comment by August 8, 2005.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/05024101_pro.pdf

EPA Updates

Eight-Hour Ozone NAAQS In the May 26 Federal Register, EPA published notice of final action on two issues raised in a petition for reconsideration of EPA's rule to implement the 8-hour ozone National Ambient Air Quality Standard (NAAQS). EPA upheld its original decision so that fee provisions in SIPs will not be triggered for a failure to attain the 1-hour NAAQS now that the 1-hour standard has been revoked. Also, states are not required to adopt fee provisions for the 1-hour NAAQS.

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-10580.pdf>

Also, in the July 8 Federal Register, EPA published notice that they are reaffirming their April 30, 2004 final rule, concluding that the requirements for nonattainment major NSR under the 8-hour standard will be based on a nonattainment area's classification for the 8-hour standard, and that States may remove their 1-hour major NSR programs from their SIPs now that the 1-hour standard has been revoked.

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-13483.pdf>

Routine Maintenance, Repair and Replacement In the June 10 Federal Register, EPA responded to petitions for reconsideration on the Equipment Replacement Provision (ERP) of EPA's NSR permitting program. The rule changes from October 27, 2003, specified that equipment replacement activities that are routine maintenance, repair and replacement (RMRR) activities are not subject to Major NSR requirements under the exclusion. EPA determined that the ERP should be maintained as adopted in 2003. For further information see <http://www.epa.gov/nsr>. <http://www.epa.gov/nsr/actions.html#jun05>

Deletion of MEK from EPCRA & PPA Reporting

On June 27, EPA published a Federal Register notice amending its regulations to delete methyl ethyl ketone (MEK) from the list of chemicals subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and Section 6607 of the Pollution Prevention Act of 1990 (PPA).

NSPS for Engines In the July 11 Federal Register, EPA proposed standards (NSPS) for new, modified or reconstructed stationary compression ignition internal combustion engines. Comments are due by September 9, 2005.

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-13338.pdf>

MACT Updates

Miscellaneous Coating Manufacturing In the May 13, 2005 Federal Register, EPA published direct final rule amendments to MACT rules for Miscellaneous coating manufacturing facilities (paints, inks, or adhesives), adding compliance options and providing clarification regarding rule applicability to cleaning operations and compliance date for equipment added to an existing source. On July 6, 2005, EPA withdrew the direct final rule revision for §63.8055(b)(4) due to adverse comments. The remaining provisions published on May 13, 2005, were effective on July 12, 2005.

Miscellaneous Organic Chemical Manufacturing

In the July 1 Federal Register, EPA published amendments to the MACT rule for miscellaneous

organic chemical manufacturing (the MON) that was originally final on November 10, 2003. The amendments clarify compliance requirements for flares and the alternative standard, which limits the outlet concentration to 20 ppm, extend the vapor balancing alternative to transfers from barges to storage tanks, amend procedures for correcting measured concentrations at the outlet of combustion devices, and clarify signature requirements for notification of compliance status report. The amendments also clarify the definition of the term continuous process vent. The direct final rule will be effective on August 30, 2005, unless EPA receives adverse written comment by August 1, 2005, or if a public hearing was requested by July 11, 2005. <http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-01/a13055.pdf>

Boilers and Process Heaters In the June 27 Federal Register, EPA proposed to reconsider certain aspects of its final MACT standards to control hazardous air emissions from industrial, commercial, and institutional boilers and process heaters. Comments must be received by August 11, 2005. <http://www.epa.gov/fedrgstr/EPA-AIR/2005/June/Day-27/a12662.htm>

Oil and Gas Production Glycol Dehydrators In the July 8 Federal Register, EPA published a proposed rule supplementing a 1998 proposal to control hazardous air pollutant (HAP) emissions from oil and natural gas production facilities. This supplement would apply to smaller sources of HAP (area sources). The 1998 proposal specified that area source triethylene glycol dehydration units (TEG units) would have to reduce emissions in counties designated as urban areas. The proposal in this notice would require TEG units in any U.S. location to reduce emissions from process vents. These process vents would be required to do one of the following: vent emissions to a control device, make process changes to achieve emission reductions comparable to a control device, or document that the unit's emissions are low enough that controls are not needed. Comments are due by September 6, 2005. For further information see <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-13480.pdf>.

Boilers and HCl Production Furnaces that Burn Hazardous Waste In the July 11 Federal Register, EPA changed the deadline for submitting CAA Section 112(j) Part 2 permit applications for boilers and hydrochloric acid production furnaces that burn hazardous waste from August 13, 2005 to November 14, 2005. EPA expects to complete the MACT standards for these source categories by September 14, 2005, so that the Section 112(j) Part 2 permit applications will not have to be submitted. <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-13555.htm>

Updated List of Major Sources In the June 27 Federal Register, EPA updated the list of major sources of hazardous air pollutants (HAP) for which regulatory actions have been developed. For details see: <http://www.epa.gov/fedrgstr/EPA-AIR/2005/June/Day-30/a12942.htm>

Friendly Reminders

- By July 31, submit semiannual reports for gas-fired engines and units with CEMS, PEMS, and water-to-fuel or steam-to-fuel ratio monitors in the BPA or DFW nonattainment areas, and submit tests for the initial demonstration of compliance with §117.211 for units in the BPA nonattainment area using the 30-day average source cap NO_x limit.
- Comply with MACT CC requirements for internal floating roof seals by August 18, 2005.

Did You Know . . .

NSPS YYY for SO₂ Wastewater may be published in the Federal Register in July or August 2005. The rule was proposed in 1994, so many plants may have to be in compliance immediately upon adoption.