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**TCEQ Updates**

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**Outdoor Burning Adoption** The TCEQ adopted the rules (30 TAC 111) to allow burning of plant growth matter under specific conditions.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/05041111\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05041111_ado_clean.pdf)

**CAIR and CAMR Adoption** The federal rules Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR) were adopted July 12, 2006 into Texas rules (30 TAC Chapters 101 and 122) with an August 3<sup>rd</sup> effective date. CAIR requirements are to reduce fine particulate matter through the control of NO<sub>x</sub> and SO<sub>2</sub>. CAMR will permanently cap and reduce mercury emissions from coal-fired utility units. Chapter 122 incorporates the permitting requirements for CAIR and CAMR by reference.

The rules will be implemented in two phases with the CAIR implementation starting in 2009 and the CAMR implementation starting in 2010.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/05046101\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05046101_ado_clean.pdf)

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/05046122\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05046122_ado_clean.pdf)

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/05047101\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05047101_ado_clean.pdf)

**Particulate Matter Ground Level (Property Line) Concentrations Rule Repealed**

Effective June 11, 2006 the TCEQ repealed 30 TAC 111.155 the particulate matter ground level concentrations requirements which was commonly referred to as the particulate matter property line standard.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/05013111\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05013111_ado_clean.pdf)

**Standard Permit Public Notice** TCEQ proposed amendments on public notice requirements for the Austin, Dallas and Houston area on a case-by-case basis.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/05038116\\_pro\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/05038116_pro_clean.pdf)

**Dallas/Fort Worth (DFW) VOC RACT Update** On June 28, 2006 TCEQ proposed changes to 30 TAC 115 for certain VOC-emitting facilities located in Ellis, Johnson, Kaufman, Parker, and Rockwall counties, imposing the same control, monitoring, testing, recordkeeping, and reporting requirements as the other four counties in the DFW nonattainment area. Adoption is expected by November 2006. Required compliance is March 1, 2009. Municipal solid waste landfills and vehicle refueling are not part of the proposal.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/06011115\\_pro\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06011115_pro_clean.pdf)

**Permit By Rule Changes** Proposed changes to the general PBRs (§§106.261-106.263) and the addition of the Quantifiable Anticipated (QUAN) emission events PBR were not adopted. It is expected the PBR changes will be re-proposed later this year.

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**EPA Updates**

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**U.S. Supreme Court Agrees to Hear Issues on Duke Energy Case**

The U.S. Supreme Court agreed to hear arguments in the Duke Energy new source review case regarding the definition of "modification." A previous court ruled (June 2005) that hourly emission increases are used in order for the project to be considered a modification. EPA argues that annual emission increases are the basis for the definition.

**Reformulated Gasoline** Effective May 1, 2006 EPA amended the RFG regulations to remove the RFG oxygen content requirement. (The change was effective April 24, 2006 for California.) Additionally, EPA revised the prohibition of commingling *ethanol-blended* VOC-controlled RFG with *non-oxygenated* VOC-controlled RFG, except under certain limited circumstances.

[http://www.epa.gov/otaq/rfg\\_regs.htm#additives](http://www.epa.gov/otaq/rfg_regs.htm#additives)

### **NSPS Subpart IIII - Stationary Compression Ignition (CI) Internal Combustion Engines (ICE)**

On July 11, 2006 EPA published the NSPS final rule on new, modified or reconstructed CI ICE units. The emission standards are generally modeled after EPA's standards for nonroad and marine diesel engines, with increasing levels of stringency phased in over several years. Owners and operators may either purchase engines certified by the manufacturer to meet the standards, or conduct performance tests to demonstrate compliance for non-certified engines. The rationale used to develop the final rule is the same as for the proposed rule. There were some changes regarding fuel requirements, emission standards and recordkeeping from the proposed rule. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-11/a5968.pdf>

### **NSPS JJJJ - Stationary Spark Ignition (SI) Internal Combustion Engines (ICE)**

On June 12, 2006 EPA proposed the NSPS for SI ICE units in conjunction with the MACT Subpart ZZZZ for reciprocating internal combustion engines. Comments are due September 11, 2006. This rulemaking is being proposed under one notice because the source categories being addressed are practically identical. Pollutants to be regulated by the proposed NSPS JJJJ are NO<sub>x</sub>, CO and non-methane hydrocarbons (NMHC), with a sulfur limit for gasoline. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.pdf>

### **NSPS KKKK – Stationary Combustion Turbines**

On July 6, 2006 EPA issued the final rule for stationary combustion turbines. This rule applies to turbines with a peak load heat input of 10 MM Btu/hr constructed, modified or reconstructed after February 18, 2005. This rule also applies to heat recovery steam generators and duct burners associated with the turbines. Several changes were made in response to comments, including establishment of 14 subcategories as compared to 4 in the proposed rule. A significant change is establishing a 50 MMBtu/hr break point in the final rule rather than the 30 MW break point in the proposed rule. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-06/a5945.pdf>

## **MACT Updates**

**Misc Coating Manufacturing MACT (MACT HHHHH)** On May 17<sup>th</sup> EPA promulgated changes to clarify the definition of coating manufacturing to include mixing and blending as well as change the compliance date for process units which produce coatings and are used for chemical manufacturing processes.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/May/Day-17/a7495.htm>

**Printing and Publishing MACT (MACT KK)** On May 24<sup>th</sup> EPA amended this MACT regulation to resolve issues and questions raised and to correct errors in the regulatory text. Additionally, EPA also amended the Paper and Other Web Coating rule (MACT JJJJ) and the Printing, Coating, and Dyeing of Fabric and Other Textiles rule (MACT OOOO) to clarify the interaction between these rules and the Printing and Publishing Industry MACT.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/May/Day-24/a4821.pdf>

**RICE MACT (MACT ZZZZ)** On June 12, 2006 EPA proposed the rule on reciprocating internal combustion engines (in conjunction with proposed NSPS Subpart JJJJ). This joint proposal establishes a new NSPS and adds RICE at area sources of HAP and RICE rated at 500 hp or less located at major sources of HAP to MACT ZZZZ. RICE rated at greater than 500 hp and located at a major source of HAP are regulated under the existing MACT ZZZZ. Comments are due September 11, 2006. Emissions of non-methane hydrocarbons (NMHC) and formaldehyde are limited. EPA determined it is appropriate to use NMHC as a surrogate for HAP under this rulemaking, just as they used CO as a surrogate for HAP in the original MACT ZZZZ. The proposed MACT ZZZZ revision references the proposed NSPS JJJJ requirements for area HAP source RICE and new and reconstructed RICE rated at 500 hp or less at major HAP sources.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.pdf>

**HON MACT (MACT F, G, and H) Changes** On June 14, 2006 EPA provided two options for future changes to the HON rule. The first option is to keep the rules the same with no change. The second option is to provide requirements for some sources not currently controlled. For example, the group 1 determination for process vents and storage vessel would be changed to include some additional sources. Also the process fugitive Leak Detection and Repair Program (LDAR) would reduce the allowed percentages of leaking valves. Compliance for the second option would be three years after promulgation. Provide your comments on the two options by August 14, 2006.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-14/a5219.pdf>

**Integrated Iron & Steel MACT (MACT FFFFF)** The amendments (effective July 13, 2006) add a new compliance option, revise emission limitations, reduce the frequency of repeat performance tests for certain emission units, add corrective action requirements, and clarify monitoring, recordkeeping, and reporting requirements.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-13/a6174.pdf>

**MON MACT (MACT FFFF)** Effective July 14, 2006 EPA amended the MON MACT to address issues raised since promulgation. Some of the more prominent changes are: 1) options in the LDAR program, 2) recordkeeping requirements for Group 2 batch process vents, 3) definition changes to continuous process vent and process condenser, and 4) change in wastewater requirements, more substantially, the criteria for group 1 determination and requirements on wastewater streams which contain only soluble HAPs.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-14/a5970.pdf>

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## Reminders

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- Submit Semiannual Reports:
  - ESAD Rules (30 TAC 117.219(e) and 117.520(a)(3)(C)) - Affected sources in BPA & DFW areas. Report due **07/30/2006**.
  - MACT Semiannual Compliance Reports - Due **07/31/2006** unless alternative dates are established in your Title V permit
  - Reinforced Plastics Composites Production Facilities MACT (MACT WWWW) - submit first compliance report. Report due **07/31/2006**.
- Startup, Shutdown, and Malfunction (SSM) Plan Report
  - Submit initial plan report for Reinforced Plastics Composites Production facilities (MACT (WWW)). Report due **07/30/2006**.
  - Submit semi-annual SSM plan reports for MACT regulations which require compliance with §63.10(d)(5). Report due **07/30/2006**.
- Stationary Combustion Turbine MACT (MACT YYYY) - Conduct annual performance test or compliance demonstration for units which commenced construction or reconstruction after 01/14/2003 and started up by 03/05/2004. Due **09/01/2006**.