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TCEQ Updates

Pre-permit Construction and Standard Permit

Distance Limitations -The TCEQ proposed changes to chapters 116 and 321 because of Senate Bill 1740. The changes are: 1) allow construction on an existing facility to start prior to the permit amendment being issued, and 2) modify the distance limits in standard permits requirements.

The pre-permit construction is set for existing facilities (or addition of new facilities under existing permit) whereby a state permit amendment application has been submitted but the change is not yet issued by the TCEQ. Pre-permit construction is not allowed for changes in a federal permit application (PSD or non-attainment). Pre-permit construction is performed at the facilities' own risk that the permit will be issued as represented. Changes under Permit by Rule authorization or Standard Permit are not included. The TCEQ still requires a permit be issued before operation begins.

For Standard Permits with distance requirements, the distance (setback or buffer) limit determination would be based on the date of the proposed change or the date the application was filed, whichever is earlier. This change would override other distance limitations in the rules.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/05052116_pro_clean.pdf

BART - On August 9, the TCEQ proposed the Best Available Retrofit Technology (BART) rule (30 TAC116 Subchapter M) which addresses haze (or visibility impairment) in Class I areas. The BART rule targets sources constructed or reconstructed between the time periods of August 7, 1962 and August 7, 1977 with potential to emit >250 tons/yr (NO_x, SO₂, and/or PM) and one of the 26 source

categories. VOC and ammonia were not included in the proposal. BART controls will apply to each affected unit by pollutant. BART is to be determined on a case-by-case basis with respect to available technology, cost of compliance, environmental impacts, existing controls, useful life of source, and degree of visibility improvement. Air dispersion modeling results which demonstrate no significant visibility impact in Class I areas may be used to exempt from control requirements.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06022116_pro.pdf

CAIR (Clean Air Interstate Rule) and CAMR (Clean Air Mercury Rule)

- The TCEQ adopted the new sections of §§101 and 122 to incorporate the federal CAIR and CAMR. The rules affect electric generating units (EGUs) through an EPA-administered interstate cap-and-trade program. CAIR is expected to reduce fine particulate matter through the control of NO_x and SO₂ by 90%. CAMR will permanently cap and reduce mercury emissions from coal-fired utility units.

Some of the changes from the CAIR rule are: 1) clarify the report due date for NO_x CAIR sources to submit their gross electrical output, and 2) change the submittal of CAIR NO_x allocations to EPA from June 1st to October 31st, and 3) correct typos and citation reference errors. The changes to §122 with regards to CAMR were adopted without change.

The new sections will be submitted to the United States Environmental Protection Agency (EPA) as revisions to the state implementation plan (SIP). The changes are effective August 3, 2006.

Both rules will be implemented in two phases with the CAIR implementation starting in 2009 and the CAMR implementation starting in 2010. Early reductions can be put into an additional pool of allowances for 2009.

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/05047101_ado_clean.pdf

Delinquent Fees/Penalties - Effective September 1, 2006, facilities delinquent on paying penalties or other required fees will experience delays on getting requested authorizations and could be subject to further enforcement violations. A list of affected authorizations is provided on the website <http://www.tceq.state.tx.us/agency/delin/index.html>

TCEQ Workshops and Seminars:

The TCEQ is holding a Water Quality/Storm Water Seminar September 14-15, 2006 in Round Rock, Texas.

http://www.tceq.state.tx.us/assistance/events/seminars/wtrquality_stormwtr.html

The TCEQ is holding an Advanced Permitting Workshop on Maintenance, Startup, and Shutdown (MSS) activities September 27 through 29, 2006 at the Austin Convention Center. The TCEQ wants to use this workshop to receive information from industry.

<http://www.tceq.state.tx.us/assets/public/admin/events/09-06airpermitting.pdf>

EPA Updates

CRTs (Cathode Ray Tubes) and Mercury - Containing Equipment

- EPA amended regulations under the Resource Conservation and Recovery Act (RCRA) to streamline management requirements for recycling of used CRTs and glass removed from CRTs. The amendments exclude these materials from the RCRA definition of solid waste if certain conditions are met. This rule is intended to encourage recycling and reuse of used CRTs and CRT glass. EPA proposed this rule on June 12, 2002 (67 FR 40508). The final rule effective date is January 29, 2007.

<http://www.epa.gov/fedrgstr/EPA-WASTE/2006/July/Day-28/f6490.pdf>

NODA (Notice of Data Availability) - EPA published the NODA August 4, 2006. The NODA contains a list of potential CAIR units, the unit-level allocations, the historic heat input, and fuel data used to determine unit-level allowances. Source owners, operators, and the public will have 30 days to submit objections to their CAIR status or their allowance allocation. EPA intends to issue a final NODA in the fall of 2006.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-04/a12628.pdf>

MACT Updates

OLD (Organic Liquid Distribution) MACT (MACT EEEE)

- Effective July 28, 2006 EPA amended the OLD MACT to address changes. Part of the changes included adding additional vapor balancing options and making technical corrections to the final rule.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-28/a6419.pdf>

Hazardous Waste Combustor MACT (MACT EEE)

- EPQ is opening up the rule for reconsideration on specific issues. Comments are due within 45 days of publication (~October 11, 2006).

<http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/recon06.pdf>

Reminders

- State Inspection or Emission Fees:
 - Fees are due within 30 days of invoice which should be around **11/30/2006**
- MACT Compliance:
 - MACT GGGGG - Site Remediation MACT. Compliance due date for existing sources is **10/09/2006**.
 - MACT HHHHH - Miscellaneous Coatings Manufacturing. Compliance due date for existing sources is **12/11/2006**.
- HRVOC (Highly Reactive VOC) Rules:
 - Submit the notification of the date of the third party audit for the HRVOC fugitive emissions at HGA units. Report is due **12/01/2006**.
 - Conduct the third party audit on HRVOC fugitive emissions and submit the report. Report due **12/30/2006**.
- As of September 5, 2006 use the new uniform hazardous waste manifest form.
http://www.tceq.state.tx.us/assets/public/permitting/rrr/forms/Manifest_Flyer.pdf

http://www.tceq.state.tx.us/permitting/registration/iHW/epa_waste_manifest_system.html