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TCEQ Updates

Electronic Reporting - The TCEQ proposed rules to establish a system for electronic submittal of reports, permit applications, and other specified documents. The same level of enforcement for failure to submit written documents will apply if the electronic submittal does not comply with the rules.

<http://www.sos.state.tx.us/texreg/sos/PROPOSED/30.ENVIRONMENTAL%20QUALITY.html#101>

TCEQ New Rules E-Mail Notice - You can receive an e-mail from the TCEQ each time a proposal, adoption, or chapter revision is put on the TCEQ web site, typically one to two e-mails per week.

<http://www.tceq.state.tx.us/rules/listserv.html>

Emission Banking and Trading - DERCs - The TCEQ adopted changes to §101 concerning Discrete Emission Reduction Credits (DERCs). With the changes, future generation of DERCs from shutdowns will not be allowed. Existing DERCs (prior to September 2002) will not be available after September 2010. Up to eleven sites in the Houston-Galveston-Brazoria (HGB) and Beaumont-Port Arthur (BPA) nonattainment areas are expected to be affected by the removal of DERCs from the registry. Several forms (Forms DEC-1, DEC-2, and MDEC-1) will be changed to include a waiver of the federal statute of limitations for generators and users of discrete emission credits.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05054101_ado_clean.pdf

PST Rule Changes - The TCEQ adopted changes to the PST rules. The changes address the definition of release to subsurface soils, removal of common carrier liability with respect to deliveries into

underground storage tanks, extension of reimbursement fund deadlines, application for transfer to the Petroleum Storage Tank State Lead Program, and reimbursement of non-preapproved claims.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05056334_ado_clean.pdf

Standard Permits Public Participation - The commission is adopting a revision to §116.603, Public Participation in Issuance of Standard Permits, that will require newspaper notice of proposed standard permits with statewide applicability in Austin, Dallas, Houston, and any other regional newspapers designated by the executive director on a case-by-case basis.

<http://www.sos.state.tx.us/texreg/sos/adopted/30.ENVIRONMENTAL%20QUALITY.html#172>
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/petitions/07004_petition.pdf

Dallas/Fort Worth (DFW) VOC RACT Update

TCEQ adopted changes to §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. Required compliance is March 1, 2009. Municipal solid waste landfills and vehicle refueling are not part of the RACT requirements.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/06011115_ado.pdf

Air Permit Seminar Summary

The TCEQ held a seminar September 26th through 28th to specifically cover planned maintenance, startup, and shutdown (MSS) emissions. At least half of the seminar time was dedicated to Question/Answer time.

The TCEQ regulations require MSS activities to be authorized whether it is by a Permit by Rule (PBR), Standard Permit, or by New Source Review (NSR) permit according to the §101.222(h) schedule. In general terms, MSS activities are defined as planned activities to ensure proper and continuing operation which occur over discrete periods and for which there

are operating procedures. The activities do not need to occur every year; they only need to be planned activities. Some examples of maintenance are: tank change of service, firebox cleanup, seal replacements, lubrication, painting, and process product changes. With limitations, tank landings may be considered a maintenance activity when associated with a planned event such as seal inspection or tank change of service. For tank change of service, the TCEQ is expecting to limit the number of occurrences per tank per year in order to avoid abuse of the authorization. Floating roof landings which occur by poor operations, associated with an unplanned event, or landed for too long of a time (beyond a reasonable time frame) will be considered an emission event. The length of time is not defined at this point. Leaks, spills, malfunction, unplanned and unavoidable breakdowns are not considered maintenance.

The TCEQ developed a list of PBRs which already include MSS activities; however, the MSS emissions need to be quantified for the PBR. The memo with the list can be found on the TCEQ website.

http://www.tceq.state.tx.us/assets/public/permitting/air/memos/pbr_with_mss06.pdf

During the NSR permitting process, facilities with an MSS activity will be subject to complete review, i.e. BACT, health effects, federal NSR applicability, addressed in Site Operating Permit, etc. The logistics of how the review will be implemented and what is needed for the review are still in progress.

In preparing an amendment application to include MSS activities which cannot be otherwise authorized by a PBR, consider if your current means of demonstrating compliance would be adequate. The TCEQ also mentioned reviewing flexible permit conditions to see how demonstrating compliance can be done without being cumbersome.

Additionally, sites which are considered minor sources, and thus not subject to the Federal Operating Permits Program may become a major source site when the emissions from planned MSS activities are included.

EPA Updates

Texas SIP - EPA-approved TCEQ rules on the control of highly reactive VOC in the HGB area are effective October 6, 2006. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7409.htm>

Electronic Reporting - By November 6, 2006 electronic submittals of Toxic Substances Control Act (TSCA) Inventory Reports will be accepted using EPA's Central Data Exchange (CDX). Paper or electronic files on CD will still be accepted.

<http://www.epa.gov/fedrgstr/EPA-TOX/2006/September/Day-06/t14716.htm>

Federal NSR Changes - In September 2006, EPA proposed changes to the New Source Review (NSR) program on three specific areas. The areas cover how federal NSR applies to debottlenecking projects, combining multiple projects into one project (aggregation), and simplification of the netting calculation. For debottlenecking, EPA proposes that emissions from the unchanged emission sources (upstream/downstream sources) be excluded from the NSR applicability test if those upstream/downstream sources are already covered by an air quality permit. These proposed changes would also clarify when emissions increases from multiple projects are to be aggregated together to determine NSR applicability. Finally, the EPA is clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project.

EPA is holding a public hearing November 6, 2006.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.pdf>

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-23/a8842.htm>

NAAQS for Particulate Matter (PM) - The EPA promulgated changes to the fine and coarse PM National Ambient Air Quality Standards (NAAQS). The primary 24-hr standard for fine PM (<2.5 µm) changed from 65 micrograms of particles per cubic meter to 35 micrograms. The secondary 24-hr PM_{2.5} standard is changed to be identical in all respects to the primary PM standards. The secondary annual standard for coarse PM (<10 µm) is revoked. This final rule is effective on December 18, 2006.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-17/a8478.pdf>

Nitrogen Oxides Reporting Limit - Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) EPA issued a final rule which broadens the existing reporting exemptions for nitrogen oxides. The reporting limit is $\geq 1,000$ lb of nitrogen oxide for combustion releases and $\geq 1,000$ pounds of nitrogen dioxide to the air in 24 hours. The nitrogen dioxide emissions may include emissions from detonation or processes that include both combustion and non-combustion operations, such as nitric acid production. The final rule is effective November 3, 2006. <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/October/Day-04/f16379.pdf>

MACT Updates

Hazardous Waste Combustors MACT (MACT EEE) - EPA proposed several amendments and corrections to the final rule to clarify compliance and monitoring concerns. Additionally, as of October 25, 2006 EPA is suspending the compliance obligation for new cement kilns with regards to the PM standard until EPA takes final action. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.pdf>
<http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-25/a17897.pdf>

Area Source MACTs (MACT DDDDDD, EEEEE, FFFFFFF, and GGGGGG) - EPA proposed standards for four area source categories: 1) Polyvinyl Chloride and Copolymer Production, 2) Primary Copper Smelting, 3) Secondary Copper Smelting, and 4) Primary Nonferrous Metals.
<http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-06/a8434.pdf>

Semiconductor Manufacturing Industry MACT (MACT BBBB) - EPA proposed amendments to clarify the emission requirements for process vents by establishing a new MACT floor level of control for combined vent streams as well as add requirements for combined vents. Requirements for existing combined HAP process vents would be no control, which is the MACT floor. The new source combined HAP process vent limit would be the same level of control as is currently required for new inorganic and organic HAP process vents. The proposed amendments would add separate process vent definitions for organic, inorganic and combined air toxics process vent streams and would add

emissions control requirements for combined air toxics process vents at new sources.
http://www.epa.gov/ttn/oarpg/t3/fr_notices/semiconductors_101006.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 HHHHH - Miscellaneous Coatings Manufacturing. Compliance due date for existing sources is **12/11/2006**.
 - MACT AAAAA- Lime Manufacturing compliance date is **1/5/2007**.
 - MACT EEEE - OLD compliance due date for existing sources is **2/7/2007**.
- Submit ECT-2 Forms involving the transfer of allowances needed for compliance with a control period by **1/30/2007**.
- Submit MACT semi-annual compliance reports **1/30/2007** unless alternative dates are defined in SOP permit.
- HRVOC (Highly Reactive VOC) Rules - Fugitive Emissions:
 - Submit the verbal notification at least 30 days prior to the start of the third-party audit and no later than **12/01/2006**.
 - Conduct the third party audit and submit the report within 30 days of completing audit.

Did You Know?

The TCEQ recently issued a memo with regards to PBRs which would be in a New Source Review air permit as reference only, as opposed to incorporated into the permit. The TCEQ may include those sources (referenced PBR'd sources) in health effects review. PBRs which are incorporated into the permit already go through the full new source review process.
http://www.tceq.state.tx.us/assets/public/permitting/air/memos/pbr_spc06.pdf