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**TCEQ Updates**

**30 TAC Chapter 115 Proposed** - The Texas Commission on Environmental Quality (TCEQ) proposed changes to Chapter 115 to reduce VOC emissions from VOC storage and degassing operations by implementing one or more of the following control strategies in the Houston-Galveston-Brazoria (HGB) non-attainment area:

- 1) establishing more stringent controls for fittings on floating roof storage vessels,
- 2) establishing control requirements or operational limitations on landing floating roofs,
- 3) establishing more stringent control requirements for degassing and cleaning of storage, transport, and marine vessels, and
- 4) establishing control requirements for flash emissions from crude oil and condensate storage tanks.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/06038115\\_proclean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06038115_proclean.pdf)

**30 TAC Chapter 115 Adopted** - The TCEQ moved Ellis, Johnson, Kaufman, Parker, and Rockwall Counties from being covered attainment counties to being in the definition of Dallas/Fort Worth (DFW) ozone nonattainment area. Affected facilities in these five counties are subject to nonattainment control, monitoring, testing, recordkeeping, and reporting requirements. The TCEQ requires implementation of Reasonable Control Technology (RACT) for VOC by March 1, 2009.

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

**30 TAC Chapter 117 Proposed** - The TCEQ proposed a complete rule change to address NO<sub>x</sub> emission sources in the DFW eight-hour ozone nonattainment area as well as in specified counties in the northeast Texas area. The proposed rule change will implement more stringent emission control, monitoring, testing, recordkeeping, and reporting requirements. Chapter 117 is being completely reformatted to accommodate the DFW requirements. The revised requirements are necessary for state SIP rules. <http://www.tceq.state.tx.us/rules/prop.html>

**DFW and Houston** - The TCEQ executive director filed proposed amendments to the State Implementation Plan (SIP) clean air rules for the DFW and the HGB areas that would implement more stringent emissions controls and improve air quality. For the DFW area, the emissions reductions will come from sources such as cement kilns and electrical generating units, compressor engines in 39 East Texas counties, and from mobile sources.

[http://www.tceq.state.tx.us/comm\\_exec/communication/media/11-06SIPrelease.html](http://www.tceq.state.tx.us/comm_exec/communication/media/11-06SIPrelease.html)

**Compliance History** - Revision of the current compliance history rule is on hold for the time being as a result of the enforcement review process.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/06001060\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06001060_pro.pdf)

**TERP Grant Money** - Grants are available under the Texas Emissions Reduction Plan (TERP) program to help reduce emissions from mobile sources in ozone nonattainment areas. Workshops are being held in January and February.

[http://www.tceq.state.tx.us/comm\\_exec/communication/media/12-06tceqannounces.html](http://www.tceq.state.tx.us/comm_exec/communication/media/12-06tceqannounces.html)

[http://www.tceq.state.tx.us/assets/public/implementation/air/terp/eriq/07workshop\\_flyer.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/terp/eriq/07workshop_flyer.pdf)

**BART Adoption** - Chapter 116 changes were adopted January 10, 2007 to incorporate best available retrofit technology (BART) requirements with some changes. The changes include modifying

the definition of eligible sources and visible impairment pollutant (excludes ammonia and VOC). The changes also include several exemptions. The new language covered modifications to grandfathered facilities permitted under Chapter 116. The BART rules target sources which were constructed between August 7, 1962, and August 7, 1977. The deadline for the engineering analysis or exemption by modeling is quickly approaching (April 30, 2007). CAMx or CALPUFF models may be used. Additionally, any BART-eligible source which has been screened out by the TCEQ modeling has to review the modeling inputs and submit a written certification that the inputs are correct no later than February 28, 2007.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/06022116\\_ado.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/06022116_ado.pdf)

**ESL Derivation Guidelines** - The TCEQ developed guidelines on how Effects Screening Levels (ESLs) are determined.

[http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/rq/rq-442\\_1899413.pdf](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rq/rq-442_1899413.pdf)

**Modeling and Effects Review Applicability (MERA)** - The TCEQ developed a straw man proposal for the MERA guidelines to, among other things, address planned maintenance, startup and shutdown facilities and the consolidation of permits by rule and standard permits into NSR permits.

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## EPA Updates

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**NSPS Subparts VV and GGG - Equipment Leaks** -

EPA proposed changes to NSPS Subparts VV and GGG to reduce the leak detection level for light liquid pumps and valves (new, modified, or reconstructed units) and allow monitoring frequency options. The changes will make these NSPS Subparts more consistent with MACT fugitive equipment regulations such as 40 CFR 63 Subpart H. The changes will also update the definition of process unit to be more consistent with similar MACT definitions.

[http://www.epa.gov/ttn/oarpg/t3/fr\\_notices/equip\\_leak\\_prop103106.pdf](http://www.epa.gov/ttn/oarpg/t3/fr_notices/equip_leak_prop103106.pdf)

**AP-42 Storage Tanks** - EPA updated AP-42 Chapter 7 to:

- 1) provide new paint solar absorptance factors for additional tank colors,
- 2) provide a methodology to estimate emissions during a floating roof landing, and
- 3) provide more accurate formulas for emission rate calculations including more accurate formulas for the vapor space expansion factor and a new vent setting correction factor.

<http://www.epa.gov/ttn/chieff/ap42/ch07/index.html>

**Texas SIP** - EPA approved the Texas State Implementation Plan (SIP) revisions to allow exemptions on gasoline Reid Vapor Pressure (RVP) requirements and reduced recordkeeping requirements for retail gasoline dispensing outlets in the affected counties. The revisions add exemptions to RVP requirements for research laboratories and academic institutions, competition racing, and gasoline stored or transferred (in a non-affected county). <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-27/a19991.pdf>

**CAIR Changes** - EPA made minor corrections to the Clean Air Interstate Rule (CAIR).

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-13/a21199.pdf>

**8-Hour Ozone Rule** - EPA is taking additional comment until February 2, 2007 (extended) on three provisions in the final Phase 2 8-hour ozone implementation rule:

- 1) the determination that electric generating units (EGUs) comply with rules implementing the CAIR in states where CAIR emissions reductions are achieved,
- 2) an NSR requirement allowing sources to use certain emission reductions as offsets, and
- 3) an NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission offsets may be waived.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-19/a21379.pdf>

### **NDPES General Permit (Oil and Gas Extraction Point Source Category - Texas Coastal Waters)** -

EPA issued a National Pollutant Discharge Elimination System (NPDES) general permit regulating discharges from oil and gas wells in the Coastal Subcategory in Texas and regulating produced water discharges from wells in the Stripper and Offshore Subcategories which discharge into coastal waters of Texas. The permit prohibits the discharge of drilling fluid, drill cuttings, produced sand and well treatment, completion and workover fluids. Produced water discharges are prohibited with some exceptions. <http://www.epa.gov/fedrgstr/EPA-WATER/2006/December/Day-28/w22154.pdf>

**SPCC Plan** - EPA amended changes to the Spill Prevention, Control, and Countermeasure (SPCC) Plan which are expected to reduce requirements in some cases. Some of the changes include:

- 1) facilities with oil storage capacity <10,000 gallons can use the self-certify option,
- 2) for particular types of oil-filled equipment, the alternative to the general secondary containment requirement can be used,
- 3) exemptions for particular vehicle fuel tanks and other on-board bulk oil storage containers, and
- 4) exempting mobile refuelers from the sized secondary containment requirements for bulk storage containers. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-26/a55532.pdf>

**TSCA Amendments** - On November 14, 2006 EPA promulgated amendments to TSCA export notification regulations (40 CFR Part 707) to include:

- 1) changing the current annual notification requirement to a one-time requirement for exporters of chemical substances or mixtures for which certain actions have been taken under TSCA,
- 2) eliminating notification requirements for de minimis concentration levels, and
- 3) correcting an omission in 40 CFR 799.19 with regards to the multi-chemical test rules. <http://www.epa.gov/fedrgstr/EPA-TOX/2006/November/Day-14/t19182.pdf>

Additionally, EPA extended TSCA 2006 Inventory Update Reporting (IUR) submission deadline from December 23, 2006 to March 23, 2007. This is a one-time extension. <http://www.epa.gov/fedrgstr/EPA-TOX/2006/December/Day-20/t21711.pdf>

**TRI** - EPA revised the Toxics Release Inventory (TRI) reporting requirements and added recycling and treatment options. The revision expands non-Persistent Bioaccumulative and Toxic (non-PBT) chemical eligibility for Form A by raising the eligibility threshold. This rule also allows limited use of Form A for PBT chemicals in some cases. The exclusion of dioxin and dioxin-like compounds from Form A eligibility remains. <http://www.epa.gov/fedrgstr/EPA-TRI/2006/December/Day-22/tri21958.pdf>

**BOUTIQUE FUELS LIST** - EPA released the final list of boutique fuels. There are 8 different fuel types: summer 7.0 psi RVP gasoline; summer 7.2 psi RVP gasoline; summer 7.0 psi RVP gasoline with sulfur provisions; summer 7.8 psi RVP gasoline; Texas low emission diesel; and three gasoline categories for Nevada. <http://www.epa.gov/otaq/reg/fuels/boutique-list-fn.pdf>

**Fuels and Fuel Additive Regulation** - EPA made corrections to 40 CFR Part 80.75 to reinstate paragraph (a)(2). Refiners and importers of reformulated gasoline must file a quarterly report. The reinstated section identifies what is to be included in the quarterly report. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-20/a55529.pdf>

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## MACT Updates

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**MACT Once In Always In Policy** - As an incentive for industry to reduce air toxic emissions, EPA proposed changes to the MACT General Provisions which allows a site to switch from "major source" status to "area source" based on the site's emissions. Previously, EPA had the policy that once subject to a major source MACT, always subject regardless of emission levels. This was also known as the 'once in always in policy.' <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-03/a22283.pdf>

**Oil and Gas MACT (MACT HH)** - EPA promulgated the MACT for area source oil and gas production facilities on January 3, 2007. These sources are regulated due to benzene emissions from glycol dehydration units. Sites producing 3 million standard cubic feet per day and benzene emissions  $\geq 1.0$  tons per year are subject to emission standards. Hazardous air pollutants (HAPs) must be reduced by 95% or to 20 ppm<sub>v</sub>, or TEG circulation rate must be optimized, depending on facility location. The earliest compliance date for existing facilities is January 5, 2009. Refer to our web site for more details.

[http://www.epa.gov/ttn/oarpg/t3/fr\\_notices/ongfinalrule122106.pdf](http://www.epa.gov/ttn/oarpg/t3/fr_notices/ongfinalrule122106.pdf)

<http://www.waid.com/Frames.asp?URL=Pages/Summaries.asp>

**Portland Cement MACT (MACT LLL)** - EPA amended the MACT for the Portland cement manufacturing industry in response to the court's remand and the comments received on the proposed amendments. These amendments relate to applicability, performance testing, and monitoring requirements. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-20/a21405.pdf>

### **Gasoline Distribution, Bulk Terminals, and Dispensing Facilities MACT (MACT BBBBB)** -

EPA proposed two alternative standards for area sources of gasoline distribution facilities. The rule would affect area source gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. The first alternative proposes controls only on the bulk gasoline distribution facilities (terminals and bulk plants, and pipeline facilities). The second alternative proposes controls at the gasoline service stations in urban areas as well as area source bulk gasoline distribution facilities nationwide. EPA is receiving comments on the proposed regulation until February 8, 2007 (extended comment period).

<http://www.epa.gov/ttn/atw/gasdist/fr09no06.pdf>

**Boiler and Heater MACTs (MACT DDDDD)** - On December 6, 2006, EPA promulgated amendments to improve and clarify the emissions averaging provision and for conducting compliance testing for common stack boilers. Technical corrections are

also made to several definitions such as the definitions for "limited use" and "hybrid" boilers.

The final rule will be effective on February 5, 2007. <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-06/a20637.pdf>

**Site Remediation MACT (MACT GGGGG)** - EPA amended the MACT for site remediation activities to resolve issues and questions brought up since its promulgation. The main changes are:

- 1) to clarify the applicability to oil and gas facilities and the applicability of the 1 Mg and 30-day exemptions,
- 2) to revise the language on the point of determination of remediation material concentration,
- 3) to add an exemption for fugitive equipment leak requirements, and
- 4) to revise the start-up, shutdown, and malfunction requirements to be consistent with Subpart A

Additionally, delisted chemicals such as methyl ethyl ketone were removed from the HAP list.

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-29/a20119.pdf>

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## Reminders

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MACT EEEE - Organic Liquids Distribution (OLD) compliance due date for existing sources is **2/5/2007**.

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.

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## Did You Know?

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Did you know you can request derivation of a TCEQ ESL value by submitting the request form?

[http://www.tceq.state.tx.us/implementation/tox/esl/ESL\\_derivation\\_request\\_TCEQ-20338\\_1924370.pdf](http://www.tceq.state.tx.us/implementation/tox/esl/ESL_derivation_request_TCEQ-20338_1924370.pdf)