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Texas Governor News

New TCEQ Commissioner – On November 1, 2007 Governor Perry appointed Dr. Bryan Shaw as the new TCEQ commissioner for a term to expire August 31, 2013.

TCEQ Updates

Texas Attainment for Revised 24-hour PM_{2.5} NAAQS – On October 12, 2007, the commission approved submitting a recommendation that Texas be designated attainment based on 2004 through 2006 monitoring data. No monitors in Texas are violating the new PM 2.5 24-hour standard of 35µg/m³.
http://www.tceq.state.tx.us/implementation/air/sip/pm25_desig.html

Regional Haze SIP Revisions – TCEQ will hold a public hearing on February 19, 2008 to receive comments on their proposed SIP revisions regarding control strategies to reduce haze causing emissions in Texas.
<http://www.tceq.state.tx.us/assets/public/implementation/air/sip/haze/Proposed111607.pdf>

MACT Standards (§113) Updates Adopted – §113 updates incorporate additional federal MACT standards by reference.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/07012113_ado_clean.pdf

Advanced Clean Energy Projects – §116 updates set deadlines for TCEQ review of certain ACEP permit applications.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/07023116_aex.pdf

Property Tax Exemption – The pending adoption would implement provisions of HB 3732 relating to property tax exemptions.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/07055017_aex.pdf

Concurrent Renewals and Amendments – The proposal would update §116 to allow a permit to be renewed at the same time as an application for certain permit amendments.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/07024116_pex.pdf

PST Financial Assurance – The proposal addresses financial assurance measures for underground storage tank (UST) owners or operators.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/07038037_pex.pdf

Compliance History – The pending proposal would revise the current compliance history rule as a result of the TCEQ's enforcement review process.
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06001060_pex.pdf

PBR 106.263 and 106.268 Proposed Revisions and Proposed MSS Standard Permit – The revision to §106.263 would make this PBR apply only to temporary maintenance facilities that are specifically listed in the proposed rule. §106.268 would be a new PBR option for authorizing MSS activities at a site or to authorize MSS activities above and beyond what is already authorized in a permit (with the provision that the PBR be incorporated into the permit within 2 years so that it goes through impacts review). TCEQ explained that this PBR could be helpful if a site exceeds the representations in their MSS permit application or discovers that they have missed an activity altogether. The standard permit would authorize certain MSS activities if they meet the control requirements of the permit.
http://www.tceq.state.tx.us/assets/public/permitting/air/Announcements/Advisory/Agendas_Minutes/mss_sp_09_12_07.pdf
http://www.tceq.state.tx.us/assets/public/permitting/air/Announcements/Advisory/Agendas_Minutes/ch106_9_12_07.pdf

De Minimis Facilities List – TCEQ is proposing two sets of additions to the de minimis list.
http://www.tceq.state.tx.us/assets/public/permitting/air/NewSourceReview/de_minimis/pub_com_deminimis.pdf

http://www.tceq.state.tx.us/assets/public/permitting/air/NewSourceReview/de_minimis/pc_demin12_21_07.pdf

Revision to Outdoor Burning Guidance Document

– The revision summarizes and explains §111.201-221.

http://www.tceq.state.tx.us/files/rg-049.pdf_4127821.pdf

HRVOC Tools – The TCEQ has created Form ECT-1H for reporting annual emissions under the HRVOC cap and trade program. TCEQ is also providing a template for third-party fugitive emissions audit reports.

http://www.tceq.state.tx.us/assets/public/implementation/air/banking/hrvoc/HRVOC_Audit_Report.pdf

EPA Updates

NSPS Subparts VV, VVa, GGG, and GGGa (Standards of Performance for Equipment Leaks)

– EPA revised the standards for existing SOCMI and refinery sources and promulgated standards for new SOCMI and refinery sources.

<http://www.epa.gov/EPA-AIR/2007/November/Day-16/a21814.pdf>

NSPS Subpart JJJJ – NSPS JJJJ establishes NO_x, CO, and VOC/Hydrocarbon emission standards for new, modified, and reconstructed stationary spark ignition engines. For smaller engines the manufacturer must certify emissions. For larger engines, the manufacturer has the option to certify the engine emissions; if a non-certified engine is installed it must be tested to demonstrate compliance. Applicability dates depend upon size, fuel type, and manufacture date and whether a unit has been reconstructed. A summary of this rule will be posted on our web page.

<http://www.epa.gov/ttn/atw/area/fr18ja08.pdf>

NESHAP Revisions – EPA proposes to revise the NESHAP rules for Group I Polymers and Resins, Epoxy Resins Production and Non-Nylon Polyamides Production, and the GMACT (relating to acetal resins production and hydrogen fluoride production).

<http://www.epa.gov/EPA-AIR/2007/December/Day-12/a24076.pdf>

National Emission Standard for Aerosol Coatings

– EPA set VOC emission standards for aerosol spray paints; these standards apply to paint manufacturers.

http://www.epa.gov/ttn/oarpg/t1/fr_notices/ACRR-11-15-07.pdf

Revision to VOC Definition – EPA proposes to exclude propylene carbonate and dimethyl carbonate from the definition of VOC.

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/October/Day-01/a19324.pdf>

SPCC – EPA proposes to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for a facility owner or operator subject to the rule.

<http://edocket.access.gpo.gov/2007/pdf/e7-19701.pdf>

Nonattainment Area Reclassifications – EPA proposes to reclassify the Beaumont/Port Arthur (BPA) nonattainment area from marginal to moderate for failing to attain the 8-hr ozone standard. EPA also proposes to grant a request by the Governor of the State of Texas to voluntarily reclassify the Houston/Galveston/Brazoria (HGB) ozone nonattainment area from a moderate 8-hour ozone nonattainment area to a severe 8-hour ozone nonattainment area.

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/October/Day-30/a21313.pdf>

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-31/a25402.pdf>

Clean Air Interstate Rule - EPA is changing the cogeneration unit definition in CAIR, the CAIR model cap-and-trade rules, the CAIR FIPs, CAMR, and the CAMR model cap-and-trade rule. Biomass fuel contributions are eliminated from the efficiency standard calculation.

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/October/Day-19/a20447.pdf>

Fugitive Emissions and Major Modification

Determination – EPA proposes to revise the rules regarding when fugitive emissions must be included in the major modification determination; EPA also provides guidelines for when emissions are considered “fugitives.”

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/November/Day-13/a22131.pdf>

Proprietary Versions of AERMOD – EPA issued a memo clarifying the regulatory status of proprietary versions of AERMOD.

<http://www.epa.gov/ttn/scram/Clarification%20on%20Reg.%20Status%20of%20Prop.%20Versions%20of%20AERMOD.pdf>

Reasonable Possibility Recordkeeping Standard

– EPA has issued a final rule to clarify when industrial facilities making changes to equipment or processes

may need to retain records documenting their emissions even if the changes do not trigger Clean Air Act New Source Review (NSR) permitting requirements.

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-21/a24714.pdf>

MACT Updates

Reciprocating Internal Combustion Engine (RICE) MACT (MACT ZZZZ)

– EPA amended this rule to address new or reconstructed spark ignition engines of any horsepower at area HAP sources, requiring compliance with NSPS JJJJ as the standard. Also, new or reconstructed engines with a site rating equal to or less than 500 hp at major HAP sources must also meet NSPS JJJJ (or NSPS IIII for compression ignition engines), with one exception. New or reconstructed 4-stroke spark ignition lean-burn engines with a site rating greater than or equal to 250 hp and less than or equal to 500 hp are required to reduce CO by 93 percent or limit formaldehyde concentration to 14 ppmvd at 15% O₂. EPA is not promulgating MACT standards for existing engines in these categories at this time; EPA expects to propose MACT standards for these existing engines early in 2009. A summary of this rule will be posted on our web page.

<http://www.epa.gov/ttn/atw/area/fr18ja08.pdf>

New MACT Standards – EPA promulgated the following new MACT Standards:

Electric Arc Furnace Steelmaking Facilities Area Source MACT (MACT YYYYYY)

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-28/a24837.pdf>

Iron and Steel Foundries Area Source MACT (MACT ZZZZZ)

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-02/a24836.pdf>

Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Source MACT (MACT BBBB) and Gasoline Dispensing Facilities Area Source MACT (MACT CCCCC)

http://www.epa.gov/ttn/oarpg/t3/fr_notices/GD_AS_Final%20Preamble%20and%20Rule%2012-20-2007%206pm.pdf

Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (MACT HHHHHH)

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-09/a24718.pdf>

Clay Ceramics Manufacturing Area Source MACT (MACT RRRRRR), Glass Manufacturing Area Source MACT (MACT SSSSSS), and Secondary Nonferrous Metals Processing Area Source MACT (MACT TTTTTT)

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-26/a24720.pdf>

Hospital Ethylene Oxide Sterilizers Area Source MACT (MACT WWWW)

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-28/a25233.pdf>

Reminders

Submit Annual Waste Summaries **1/25/2008** if submitting on paper forms

Submit MACT semi-annual compliance reports **1/30/2008** unless alternative dates are defined in SOP permit.

Submit Annual Waste Summaries **3/1/2008** if submitting electronically

Submit Texas Tier II/SARA 312 reports **3/1/2008**

Submit annual compliance reports (ECT-1) for sources subject to the NO_x Mass Emissions Cap and Trade Program **3/31/2008**

Submit emission inventories **3/31/2008** unless otherwise specified by TCEQ.

Submit reports summarizing all uses of PBR §106.261 during the calendar year (and not previously registered) **3/31/2008**