

In This Issue:

- TCEQ Updates
- EPA Updates
- MACT Updates
- Texas SIP Changes
- Reminders

TCEQ Updates

Proposed Changes to Issuance of DERC's in the DFW Area – The proposed rulemaking to revise Chapter 101 will give the executive director a means to limit the amount discrete emission reduction credits (DERCs) in the Dallas-Fort Worth area (DFW) available for use in 2009 or later. Additionally, the due date for submitting the Form DEC-2 will be changed from 45 days to being due on September 1st of the calendar year immediately prior to the applicable calendar year use period.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/08011101_pro.pdf

Alternative Output-Based Monitoring Option for Engines and Turbines in the BPA and HGB Ozone Nonattainment Areas

– TCEQ proposed amendments to Chapter 117 which would allow the option to use an output-based monitoring/reporting approach instead of the fuel flow requirements for turbine or engines in the Beaumont-Port Arthur (BPA) or Houston-Galveston-Brazoria (HGB) areas.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/08008117_pro.pdf

New MERA Guidance Document – The TCEQ updated the Modeling and Effects Review Applicability (MERA) Guidance Document August 8, 2008.

<http://www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf>

Updates to Title V Deviation Forms – On June 13th the TCEQ updated Deviation Report and permit Compliance Certification forms, instructions, and guidance.

http://www.tceq.state.tx.us/permitting/air/forms/titlev/comp/tv_comp_forms.html

Repeal of the Rock Crusher, Asphalt Concrete Plant, and Sawmill Permits by Rule – The Permit by Rule for rock crushers and sawmills has been repealed. The new standard permit for these operations should be used instead.

http://www.tceq.state.tx.us/permitting/air/newsourcereview/mechanical/pe_rmcrush.html

HB 1254: Encouraging Use of Electronic Fee and Electronic Reporting – With changes to Chapter 19 on July 10th, the TCEQ may adjust fees to encourage electronic reporting and the use of the commission's electronic document receiving system.

http://www.tceq.state.tx.us/assets/public/legal/rules/rules/pdf/lib/19_cov.pdf

Flexible Permits – EPA raised concerns about the flexible permit New Source Review (NSR) Program in 2006 concerning the federal approval of the program. The TCEQ submitted responses to the EPA June 2008.

http://www.tceq.state.tx.us/permitting/air/announcements/nsr_announce_9_5_07.html

EPA Updates

NSPS for Electric Utility Steam Generating Units and Industrial-Commercial-Institutional Steam Generating Units (NSPS Subparts D, Da, Db, Dc)

– On June 12th EPA proposed amendments to NSPS Subparts D, Da, Db, and Dc. The changes to all subparts are: opacity monitoring options, PM requirements, and to use the natural gas requirements for synthetic natural gas derived from coal. Subpart specific changes include:

Da – postponement of PM performance testing if unit not in operation when test is due.

Db – changes to definitions to distillate oil, steam generating unit and very low sulfur oil; fuel blending allowed for SO₂ limit; changes for coke oven gas burning boilers.

Dc - changes to definitions to distillate oil and steam generating unit; fuel blending allowed for SO₂ limit; changes for coke oven gas burning boilers.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-12/a12621.pdf>

NSPS for Portland Cement Plants (NSPS Subpart F) – On June 16th the EPA proposed changes to NSPS Subpart F to revise applicability and emission limits. The comment period has been extended to September 30th.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-16/a12619.pdf>

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-13/a18627.pdf>

New Source Performance Standards (NSPS) for Petroleum Refinery (NSPS Subparts J and Ja) –

On June 24th EPA adopted changes to NSPS Subparts J and Ja, however EPA stayed the final rule for 60 days.

Changes to NSPS Subpart J are to the definition of fuel gas, Claus Sulfur Recovery Plant, oxidation control system, and reduction control system exemptions for some fuel gas monitoring, and revising the coke burn-off rate equation.

In NSPS Subpart Ja the changes are to FCCU, new sulfur recovery plants, and new combustion devices.

NO_x and SO₂ limits for FCCUs are limited to 80 ppm_v, NO_x and a 50/25 ppm_v, SO₂ limit for modified and reconstructed units; Flares are limited to 250,000 scf/day of flare gas and must have a flare meter and CEMS for total reduced sulfur, and Process Heaters are limited to 40 ppm_v NO_x.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-24/a13498.pdf>

NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (SOCMI) and Petroleum Refineries (NSPS Subparts VV, VVa, and GGG) –

On June 2, 2008, EPA extended the stay with regards to the definition of process unit until a final decision is reached.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-02/a11400.pdf>

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-02/a11384.pdf>

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-02/a11383.pdf>

NSR Program for PM_{2.5} – The EPA finalized the regulations to implement the PM_{2.5} into the New Source Review (NSR) Programs (PSD, nonattainment, and minor NSR) in 40 CFR Parts 51 and 52. The components of the regulation include

control technology, air quality standards and analysis, creditable offsets/reductions, and alternative siting analysis.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/May/Day-16/a10768.pdf>

<http://www.epa.gov/pmdesignations/2006standards/state.htm>

Nonattainment Area Designation for 24-Hour PM_{2.5} Standard –

On September 2nd, EPA posted responses to comments on the recommendations of PM_{2.5} nonattainment area.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/September/Day-02/a20241.pdf>

Draft Risk and Exposure Assessment Report for Review of the Secondary National Ambient Air Quality Standards (NAAQS) for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO₂) –

On August 29th EPA made the draft report on Risk and Exposure Assessment for NAAQS on NO_x and SO₂ available. Additional chapters are expected mid-September.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-29/a20136.pdf>

CAIR Revisions – On June 4th TCEQ proposed changes to the SIP to address the federal Clean Air Interstate Rule (CAIR) program for electrical generating units to reduce PM_{2.5} emissions.

<http://www.tceq.state.tx.us/implementation/air/sip/caircamr.html>

Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression-Ignition Engines –

EPA adopted a program to regulate locomotives and marine diesel engines. The controls will apply to all types of locomotives, including line-haul, switch, and passenger, and all types of marine diesel engines below 30 liters per cylinder displacement, including commercial and recreational, propulsion and auxiliary.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-30/a7999a.pdf>

National Pollutant Discharge Elimination System (NPDES) Water Transfers Rule –

On June 13th EPA issued a change to 40 CFR Part 122 to clarify that water transfers are not subject to regulation under the NPDES permitting program.

<http://www.epa.gov/fedrgstr/EPA-WATER/2008/June/Day-13/w13360.pdf>

MACT Updates

MACT for Dry Cleaning Facilities (MACT Subpart M) –

On July 11th EPA amended Subpart M to address comments received but withdrew the direct

final rule. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-11/a15872.pdf>

Hazardous Organic NESHAP (HON) and Miscellaneous Organic NESHAP (MON) MACT (MACT Subparts G and FFFF) – on August 6th EPA proposed to amend the HON and MON MACT requirements by adding an equivalent means of emission limitation for wastewater tanks. There are also corrections in the MON MACT.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-06/a18142.pdf>

MACT for Organic Liquids Distribution (OLD) (MACT EEEE) - On July 17th EPA approved

amendments to the OLD MACT clarifying initial demonstration compliance dates for floating roof tanks and clarifying monitoring requirements for pressure relief devices and vapor balance systems. Floating roofs must conduct the initial compliance demonstration by February 3, 2014 and April 25, 2011 for fixed roof tanks subject to work practice standards. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-17/a16320.pdf>

MACT for Semiconductor Manufacturing (MACT Subpart BBBBB) – On July 22nd EPA promulgated

the proposed changes from October 2006 and April 2008 to clarify the definition of vent and establishing the 14.22 ppm_v emission limitation for combined HAP vents. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-22/a16746.pdf>

MACT for Gasoline Dispensing Facilities (MACT CCCCC) - On June 25th EPA issued a final rule on

amendments to MACT CCCCC for gasoline distribution Stage 1 area source category. The change affects the vapor balance requirements for new sources when the throughput is 100,000 gals/month or greater by establishing pressure/vacuum vent valve settings. Existing sources are unaffected. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-25/a14377.pdf>

Area Sources MACT for Plating and Polishing Operations (MACT Subpart WWWW) – July 1st EPA issued standards for control of Plating and Polishing Operations. The regulation addresses new and existing tanks, thermal spraying equipment, and mechanical polishing equipment in certain plating

and polishing processes. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-01/a14795.pdf>

Area Sources MACT for Ferroalloys Production Facilities (MACT Subpart YYYYYY) – On September 15th EPA proposed changes to MACT Subpart YYYYYY to expand the source category list to include all types of ferroalloys production operations and include calcium carbide and silicon metal operations. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/September/Day-15/a21509.pdf>

Texas SIP Changes

HGB Area Ozone Nonattainment Redesignation – EPA granted the request to voluntarily reclassify the HGB ozone nonattainment area from moderate to severe. The TCEQ must submit a SIP revision to the EPA by April 15, 2010. The new nonattainment date for the 8-hour ozone standard is no later than June 15, 2019. The change is not yet in the federal register.

DFW 1-Hour Ozone – The EPA proposed to determine that the DFW 1-hour ozone nonattainment area is currently attaining the 1-hour ozone National Ambient Air Quality Standard (NAAQS). <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-11/a15809.pdf>

DFW 8-Hour Ozone – On July 14th, EPA proposed conditional approval of the Dallas/Fort Worth (DFW) moderate 8-hour ozone nonattainment area designation. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-14/a15805.pdf>

DFW Nonattainment Area - On July 11th EPA proposed to approve the NO_x controls for cement plants in the DFW 8-hr ozone nonattainment area. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-11/a15812.pdf>

DFW Nonattainment Area - On August 15th EPA approved portions of revisions to the SIP submitted by the State of Texas on May 13, 2005, to meet the 5% Increment of Progress requirement for the DFW nonattainment area. <http://edocket.access.gpo.gov/2008/pdf/E8-18835.pdf>

Carbon Monoxide Redesignation; El Paso County

– EPA approved the El Paso Carbon Monoxide redesignation request and the maintenance plan with its associated motor vehicle emissions budget (MVEBs) as satisfying the requirements of the Federal Clean Air Act.

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-04/a17700.pdf>

Reminders

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 **12/01/2008**.
- Conduct the third party audit and submit the report within 30 days of completing audit.

Notice of Compliance Status for Miscellaneous Organic NESHAPS MACT (MACT FFFF) is due **10/06/2008** for existing facilities.

Semiannual MACT compliance reports are due **1/31/2009** unless an alternative date is established by the Title V permit.