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**TCEQ Updates**

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**2008 Eight-Hour Ozone Standard (0.075 ppm) –**

On December 10, 2008, the TCEQ commissioners adopted the nonattainment classification with respect to the new 8-hour ozone standard for the Dallas-Fort Worth (DFW) area. The counties now included in this area are Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, and Tarrant. Wise County was not included.

[http://www.waid.com/downloads/1615mis\\_revised.pdf](http://www.waid.com/downloads/1615mis_revised.pdf)

On December 11, 2008, the TCEQ sent a recommendation concerning designations under the 2008 eight-hour ozone standard to the governor of Texas for his consideration. New nonattainment areas are Austin, El Paso, San Antonio, and Tyler-Longview-Marshall (TLM). The Austin area is for Travis County only. The El Paso area would include El Paso County with exceptions of Tribal lands. The San Antonio area is for Bexar County. The TLM area includes Gregg, Rusk, and Smith counties. The data from the DFW and Houston-Galveston-Brazoria (HGB) areas are within the moderate designation.

[http://www.tceq.state.tx.us/assets/public/implementation/air/sip/hgb/Gov\\_Ltr\\_to\\_EPA.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/sip/hgb/Gov_Ltr_to_EPA.pdf)

**1997 Eight-Hour Ozone Standard (0.08 ppm) -**

On December 10, 2008, the commission approved adoption of an Eight-Hour Ozone Redesignation Request and Maintenance Plan SIP Revision for the BPA ozone nonattainment area. This SIP revision requests that the EPA redesignate the BPA area to attainment for the 1997 eight-hour ozone NAAQS and demonstrates how the area will maintain compliance with the standard through 2021. The following provides information about the SIP revision

adopted by the commission.

[http://www.tceq.state.tx.us/assets/public/implementation/air/sip/bpa/08006sip\\_ado\\_complete.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/sip/bpa/08006sip_ado_complete.pdf)

Also on December 10, 2008, the TCEQ approved the 8-hour ozone attainment demonstration for the DFW area with regards to the Discrete Emissions Reduction Credits (DERC) program.

<http://www.tceq.state.tx.us/implementation/air/sip/dfw.html#New>

**Chapter 101** - The TCEQ adopted changes to 30 TAC §101 to provide the mechanism for the Executive Director to restrict the use of Discrete Emission Reduction Credits.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/08011101\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/08011101_ado_clean.pdf)

**MACT Hammer Part I Application? (Vacated MACT Standard for Boilers/Heaters, Subpart DDDDD)**

– Since the Boiler/Heater MACT was vacated by the court July 30, 2007, there is the question on whether Part I and Part II applications (under FCAA, §§112(g) and (j)) are required. The TCEQ has not received guidance from the EPA or the courts and is therefore not taking any action, although the TCEQ is encouraging sites to submit relevant Part I and Part II applications. The Part I application for boilers/heaters subject to the now-vacated Subpart DDDDD would be due January 30, 2009, and the Part II application would be due within 60 days of the Part I submittal.

[http://www.tceq.state.tx.us/assets/public/permitting/air/memos/mactham\\_memo\\_12\\_08.pdf](http://www.tceq.state.tx.us/assets/public/permitting/air/memos/mactham_memo_12_08.pdf)

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**EPA Updates**

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**Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods**

- EPA approved changes to 40 CFR §80.46 to allow refineries and laboratories to use more current fuel testing methods and allow an option for olefins testing in gasoline.

<http://www.epa.gov/fedqrstr/EPA-AIR/2008/December/Day-08/a28370.pdf>

**SPCC Amendment** – EPA amended the SPCC rule. The changes include: 1) definitions of “facility” and “loading/unloading rack,” 2) exempting hot mix asphalt, residential oil heaters, pesticide application

**Austin Office**

14205 N. Mopac Expy, Suite 600  
Austin, Texas 78728  
512.255.9999 • 512.255.8780 FAX

**Houston Office**

2600 South Shore Blvd, Suite 300  
League City, Texas 77573  
281.333.9990 • 281.333.9992 FAX

**Midland Office**

24 Smith Road, Suite 304  
Midland, Texas 79705  
432.682.9999 • 432.682.7774 FAX

equipment/containers, sized secondary containment for mobile refuelers and oil storage tanks regulated by 40 CFR Part 280, 3) requirements on qualified facilities, 4) changes to bulk storage performance tests, and 5) tailored requirements for oil production facilities. <http://www.epa.gov/fedrgstr/EPA-WASTE/2008/December/Day-05/f28159.pdf>

**RCRA Comparable Fuels Exclusion** - EPA approved the new category of excluded fuel called emission-comparable fuel (ECF). ECFs are hazardous secondary materials and must meet a set of conditions. <http://www.epa.gov/fedrgstr/EPA-WASTE/2008/December/Day-19/f29956.pdf>

**PSD and Nonattainment New Source Review Rules (NSR)** - EPA finalized the NSR rules for specific source categories to include fugitive emissions when determining if a change (physical or operational) is a major modification. Affected industries are electric services, petroleum refining, industrial chemical products, natural gas liquids, natural gas transport, and pulp and paper mills, as well as several other industrial groups. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-19/a29998.pdf>

**CO<sub>2</sub> Is Not A Regulated NSR Pollutant With Regards to PSD** - EPA issued a memorandum which defines a "regulated NSR pollutant" as one which EPA regulations require actual control of that pollutant. Monitoring and/or reporting requirements only are not subject to PSD and therefore EPA does not currently consider CO<sub>2</sub> a PSD pollutant. This memorandum does not exclude future rulemaking which may make a pollutant a "regulated NSR pollutant." [http://www.epa.gov/nsr/documents/psd\\_interpretive\\_memo\\_12.18.08.pdf](http://www.epa.gov/nsr/documents/psd_interpretive_memo_12.18.08.pdf)

**Work Practices for Leak Detection and Repair Programs** - EPA approved the voluntary alternative work practice to monitor fugitive emissions using a newly developed technology, optical gas imaging, instead of the current leak detection and repair practice. However, the Method 21 leak detection instrument must still be used once a year. This change affects NSPS Subpart A and several MACT standards. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-22/a30196.pdf>

**NSPS for Hospital/Medical/Infectious Waste Incinerators (Subpart Ec)** - EPA re-proposed to the 1999 courts' remand. The re-proposal includes changes to the emission limitations, changes on the NO<sub>x</sub> and SO<sub>2</sub> testing, and monitoring requirements for non-selective catalytic reduction technology. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-01/a27732.pdf>

**NSPS Subparts J and Ja for Petroleum Refineries** - EPA proposed to extend the stay on certain provisions in Subpart J regarding process heaters and flares. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-22/a29973.pdf>

EPA proposed amendments to NSPS Subparts J and Ja. A new paragraph is proposed for NSPS Subpart J to allow the option of using the requirements in Subpart Ja. Revised emission limitations are proposed for process heaters and work practice standards for flares. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-22/a29959.pdf>

**24-Hour PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS)** - EPA designated areas in the country which are not currently meeting the revised PM<sub>2.5</sub> NAAQS. Data indicates that all areas in EPA's Region 6 are in attainment with the revised standard. [http://www.epa.gov/pmdesignations/2006standards/documents/2008-12-22/FR\\_Preamble\\_2008\\_PM25desig\\_final\\_12-19-08sm.pdf](http://www.epa.gov/pmdesignations/2006standards/documents/2008-12-22/FR_Preamble_2008_PM25desig_final_12-19-08sm.pdf)  
<http://www.epa.gov/pmdesignations/2006standards/documents/2008-12-22/map.htm>

**Texas SIP for DFW Area** - EPA approved the SIP revisions for NO<sub>x</sub> control in the DFW area to reach attainment with the 8-hr ozone standard which includes the revamped 30 TAC 117 changes. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-03/a28681.pdf>

**EPA's Applicability Determination Index (ADI)** - EPA recently posted additional EPA determinations to the ADI for NSPS, NESHAP, and MACT regulations. <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-31/a31117.pdf>

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### MACT Updates

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**MACT Subparts U, W, and YY** – EPA performed the 5-year review on eight source categories covering four MACT subparts and determined that no revisions are needed. The review was on all four production processes in the Group 1 Polymers and Resins MACT (Subpart U), Epoxy Resins and Non-Nylon Polyamides Production (Subpart W), and Acetal Resins and Hydrogen Fluoride Production (Subpart YY). <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-16/a29789.pdf>

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### Reminders

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Submit ECT-2 Forms involving the transfer of allowances needed for compliance during the 2008 control period by **1/30/2009**.

Submit MACT Hammer Part I application for relevant boilers and heaters by **1/30/2009**.

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

First semiannual MACT compliance report for Subpart FFFF for existing sources is due **2/28/2009**.