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TCEQ Updates

30 TAC §113 - The TCEQ adopted Subchapter D, new Division 3, 4, and 5 for emission guidance and compliance dates with regards to federal regulations on municipal and solid waste combustors (40 CFR Part 60, Subparts BBBB, DDDD, and FFFF). Only 30 TAC §113.2317 and §113.2352 were adopted with changes and therefore republished. The changes were for consistency within the regulation. http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/08007113_ado.pdf

Equipment Leak Stakeholders Meeting - In March and April the TCEQ held Supplemental Leak Detection Stakeholder meetings. The TCEQ is creating a program that allows industry to voluntarily implement a supplemental Infrared (IR) camera leak detection program as a result of House Bill 1526 (HB1526). The IR cameras cannot be used in lieu of state-required instrument detection monitoring programs. However EPA's alternative work practice allows IR cameras to be used in lieu of federal instrument detection monitoring programs.

TCEQ envisions industry using the cameras to look for leaks from traditionally non-quantified fugitive sources such as manways, process vessels, etc. TCEQ acknowledged that readings from the cameras are not quantifiable. However, they said they would treat camera results as indication of a leak that requires follow-up. Since these non-traditional sources are not quantified in a site's permit allowables, the TCEQ believes any emissions identified in the follow-up would be a deviation if not repaired in the allowed time-frame. Additionally, the TCEQ expects emissions from non-traditional sources to be quantified and included in the EI.

TCEQ needs stakeholder input on a) possible incentives for industry to use the cameras and b) what is a reasonable time frame to allow for repair of leaks discovered using the cameras. This program will not be part of the State Implementation Plan (SIP) and therefore the TCEQ will not offer any kind of emission credit incentive.

During the Austin meeting the TCEQ discussed incentives such as: a) on-site technical assistance, b) a favorable note in a company's compliance history, and c) considerations in scheduling and conducting inspections at the facilities using the cameras.

http://www.tceq.state.tx.us/compliance/field_ops/stakeholders/leakdetection.html

Flare Task Force Stakeholders Meeting - In March and April the TCEQ held Flare Task Force Stakeholder meetings. The TCEQ is questioning the default 98% destruction efficiency for flares and is asking industry to supply them with flare data to help determine how flare monitoring could be improved to guarantee compliance with emission limits. Informal comments are due May 8, 2009.

<http://www.tceq.state.tx.us/assets/public/implementation/air/rules/Flare/MeetingSummary.pdf>
http://www.tceq.state.tx.us/implementation/air/rules/flare_stakeholder.html

30 TAC §§305 and 355 (RCRA) - The TCEQ proposed to incorporate aspects of the hazardous waste combustion MACT and parts of the RCRA Rule Clusters XIV, XV, XVI, XVII and XVIII. Among the changes in the proposed rule are to incorporate application requirements for a standard permit which is an option to Part B applications when meeting specific criteria.

http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/08024305_pro.pdf
http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/08024335_pro.pdf

TCEQ Trade Fair - The Trade Fair is scheduled this year on May 12th - 14th. The TCEQ is taking early questions for the question/answer sessions.

http://www.tceq.state.tx.us/permitting/air/nav/all_types.html

Visit our booth in the exhibitor's area, booth number 1814.

Public Meeting on NAAQS for Lead - On May 15, 2009 the TCEQ will conduct a public information meeting on the revised National Ambient Air Quality Standard (NAAQS) for lead. The meeting will be in Austin but will be video teleconferenced to some regional offices. The state's SIP due to EPA October 2009 will be the topic of discussion with staff available at the end for questions.

http://www.tceq.state.tx.us/implementation/air/sip/lead/lead_main.html

EPA Updates

Greenhouse Gases - EPA proposed findings under section 202(a) of the Clean Air Act that greenhouse gases contribute to air pollution by affecting climate change thereby causing endangerment to public health and welfare. Carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆), are considered the six key greenhouse gases for the finding. EPA is receiving comments until June 23, 2009.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-24/a9339.pdf>

The EPA released the national greenhouse gas inventory, which indicates an increase in overall emissions by 1.4 percent from the previous year.

<http://epa.gov/climatechange/emissions/usinventoryreport.html>

CO NAAQS - EPA made available for public review and comment the planning document titled Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Health Risk and Exposure Assessment. This document describes the approach for developing analyses as part of the review of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO). Provide comments by June 15, 2009.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-15/a8671.pdf>

EPA will hold a meeting May 12th and 13th of the Clean Air Scientific Advisory Committee Carbon Monoxide Review Panel to peer review EPA's Integrated Science Assessment for Carbon Monoxide: First External Review Draft and conduct a consultation on EPA's planning document entitled Carbon Monoxide National Ambient Air Quality.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-03/a7434.pdf>

SO₂ NAAQS - EPA made available for public review and comment the draft document titled "Risk and Exposure Assessment to Support the Review of the SO₂ Primary National Ambient Air Quality Standards: Second Draft." The draft document provides the approach taken for ambient SO₂ exposure assessment.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-23/a9336.pdf>

PM₁₀ and PM_{2.5} Monitoring Methods - EPA proposed changes to Methods 201A and 202 with regards to fine particulate matter sampling collection and procedures. Additionally, EPA is requesting comments on whether to end the transition period for condensable particulate matter (CPM) in the New Source Review (NSR) program on a date earlier than the current end date of January 1, 2011.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/March/Day-25/a6178.pdf>

NSR Program - EPA will reconsider parts of three rules under the NSR program with respect to Reasonable Possibility in Recordkeeping, Inclusion of Fugitive Emissions, and for fine particulate (PM_{2.5}). The Reasonable Possibility rule identified what records should be kept for a non-major modification at a major source. The Reasonable Possibility Rule will not be stayed during this reconsideration. The December 2008 ruling required fugitive emissions to be included in major modification determinations only for industries which are designated through rulemaking. A stay for the Fugitive Emissions rule was granted. The May 2008 rule addressed requirements for PM_{2.5} and EPA is only staying the grandfathered portion of this rule for 3 months during this reconsideration.

<http://www.epa.gov/nsr/documents/FACT%20SHEET-%20NSR%20Recon%20RP%20Fug%20PM25final.pdf>

40 CFR Parts 60 and 63 - Performance Specification 16 for Predictive Emissions Monitoring Systems - Corrections have been made to predictive monitoring specification equations in the Appendices of 40 CFR Parts 60 and 63.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-23/a6275.pdf>

NSPS Subpart OOO for Nonmetallic Mineral Processing Plants - EPA finalized amendments to Subpart OOO to revise emission limits, testing and monitoring requirements and address an exemption of facilities that process wet material. Changes to the NSPS Subpart UUU for Calciners and Dryers in

Mineral Industries as discussed in the proposed rule are not included. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-28/a9435.pdf>

Acid Rain - Due to an adverse comment, EPA withdrew the direct final rule for "Rulemaking to Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules," which was published in the Federal Register on December 15, 2008. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/March/Day-26/a6764.pdf>

Evaluating Toxicity of Chemicals - EPA released the "U.S. Environmental Protection Agency's Strategic Plan for Evaluating the Toxicity of Chemicals." The plan outlines a new scientific approach to assess risks of many chemicals and mixtures by adopting new testing methods and advances in science. The plan is expected to enable EPA to quickly screen environmental effects of chemicals. http://www.epa.gov/osa/spc/toxicitytesting/docs/toxtest_strategy_032309.pdf

Texas SIP

HGA 8-hr Ozone Nonattainment Area - EPA proposed a change to the Texas SIP with regards to the requirements of the Clean Air Act (CAA) for the Houston-Galveston-Brazoria (HGB) moderate 1997 8-hour ozone nonattainment area. EPA proposed to approve the Reasonable Further Progress (RFP) motor vehicle emissions budgets (MVEBs) and the 2002 Base Year Emission Inventory associated with the revision. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-22/a9216.pdf>

Particulate Matter - EPA approved the Texas SIP with regards to the control of particulate matter. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-28/a9539.pdf>

Air Dispersion Modeling Guidelines - The final "Guidance Document on the Development, Evaluation, and Application of Regulatory Environmental Models," EPA/ 100/K-09/003 is available. <http://www.epa.gov/fedrgstr/EPA-RESEARCH/2009/March/Day-31/r7183.pdf>

SPCC Amendment - EPA extended the effective date of the final rule amending the Spill Prevention, Control, and Countermeasure (SPCC) regulations to January 14, 2010. The changes to the amendment included: 1) definitions of "facility" and "loading/unloading rack," 2) exempting hot mix

asphalt, residential oil heaters, pesticide application 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-WATER/2009/April/Day-01/w7301.pdf>

Risk Management Plan (RMP) - RMPs may be submitted electronically under a new submission method, called RMP*eSubmit through EPA's web site. A specific formatting must be used for the electronic submittals. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-15/a8653.pdf>

Tier II Reporting - EPA removed the reference to dikes as an optional safeguard measure in 40 CFR 370.42(i)(9), and also re-formatted the section to provide greater clarity. <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/March/Day-26/f6264.pdf>

Toxic Release Inventory (TRI) - On April 21, 2009 the EPA reinstated the requirement that the Form R must be submitted instead of the briefer Form A. The change affects reports due July 1, 2009. <http://www.epa.gov/tri/lawsandregs/burden/rules/burden/revokedfinalburden.htm>

MACT Updates

MACT LLL for Portland Cement Kilns - EPA proposed amendments to address requirements on Portland cement kilns. The proposed standards would modify or add emission limits for mercury, total hydrocarbons, particulate matter, and sulfur dioxide from cement kilns from major and area sources, and would reduce hydrochloric acid emissions from kilns at major sources. http://www.epa.gov/ttn/oarpg/t3/fr_notices/portland_prop042109.pdf

Reminders

TRI reports are due **7/1/2009**.

Semiannual MACT compliance reports are due **7/31/2009** unless an alternative date is established by the Title V permit.