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**TCEQ Updates**

**Management Position Changes** - Richard Hyde was promoted to the position of Deputy Director for the Office of Permitting and Registration as Dan Eden will be retiring. Steve Hagle is the acting Division Director for Air Permits until a permanent replacement for Richard Hyde is chosen.

**HRVOC Emissions Cap and Trade (HECT) Program Allowance Reallocation** - The TCEQ conducted more stakeholder meetings in June and July. The HRVOC allowances allocation methodology and HECT program cap reduction were discussed.

[http://www.tceq.state.tx.us/implementation/air/sip/hrvoc\\_stakeholders.html](http://www.tceq.state.tx.us/implementation/air/sip/hrvoc_stakeholders.html)

**Equipment Leak Detection and Repair (LDAR) Alternative Work Practice (AWP) Stakeholder Group** - The TCEQ held several stakeholder meetings in June on the rule implementation of the infrared monitoring technology.

[http://www.tceq.state.tx.us/implementation/air/rules/ldar/ldar\\_awp.html](http://www.tceq.state.tx.us/implementation/air/rules/ldar/ldar_awp.html)

**SIP Section 185 Nonattainment Fees** - The TCEQ held a stakeholder meeting in June to discuss the draft rules to implement penalty fees for major sources of VOC located in areas not attaining the ozone standard (classified as severe) by the attainment date.

<http://www.tceq.state.tx.us/implementation/air/industei/psei/sipsection185.html>  
<http://www.tceq.state.tx.us/assets/public/implementation/air/ie/psei/forms/drafrule062009.pdf>

**Solid Waste Definition (Resource Conservation and Recovery Act (RCRA))** - EPA held a public meeting to discuss possible revisions to the definition of solid waste and opened for comments. A petition was received requesting to repeal recently promulgated changes on the definition of solid waste for hazardous secondary materials being reclaimed. Comments are due by August 13, 2009.

<http://www.epa.gov/fedrgstr/EPA-WASTE/2009/May/Day-27/f12283.pdf>  
<http://www.epa.gov/fedrgstr/EPA-WASTE/2009/July/Day-06/f15807.pdf>

**State Hazardous Waste Management Program for Texas** - EPA approved final authorization to the state of Texas for authorization to operate its hazardous waste program. The State of Texas has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program.

<http://www.epa.gov/fedrgstr/EPA-WASTE/2009/May/Day-13/f11196.pdf>

**Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program** - On May 26, 2009 EPA provided notice of proposed rulemaking to revise the Renewable Fuel Standard program, referred to as RFS2. The rule affects refiners, blenders, and importers of gasoline or diesel and will identify qualified renewable fuels and the standards for them. The comment period has been extended through September 25, 2009.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/May/Day-26/a10978a.pdf>  
<http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-07/a15947.pdf>

**National Ambient Air Quality Standards (NAAQS)**

**Staff Paper** - EPA is reinstating the use of the "staff paper" when changes to air quality standards are considered instead of using the Advance Notice of Proposed Rulemaking mechanism.

<http://www.epa.gov/ttn/naaqs/review.html>

**CO Ambient Air Monitoring** - EPA added 3 new and 4 equivalent references for CO monitoring.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-02/a12789.pdf>

**PM<sub>2.5</sub>** - EPA granted an administrative stay on the May 16, 2008 final rules to implement the NSR program for PM<sub>2.5</sub>. The stay is effective until September 1, 2009. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-01/a12572.pdf>

**PM<sub>2.5</sub> and PM<sub>10</sub> Measurement Methods** - EPA reopened the comment period on the proposed rule for the measurement of filterable PM<sub>2.5</sub> and PM<sub>10</sub> and condensable particulate matter. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-05/a13164.pdf>  
<http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-15/a14022.pdf>

**NO<sub>x</sub> and SO<sub>2</sub> Secondary Standards** - The draft report titled "Risk and Exposure Assessment to Support the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: Second Draft" is available. A public meeting will be held July 22, 2009 to review the report. [http://www.epa.gov/ttn/naaqs/standards/no2so2sec/cr\\_rea.html](http://www.epa.gov/ttn/naaqs/standards/no2so2sec/cr_rea.html)  
<http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-23/a14712.pdf>

**NO<sub>2</sub> Primary Standards** - EPA proposed a one-hour NO<sub>2</sub> standard in the range of 80 to 100 parts per billion (ppb) and solicits comments on the proposed standard level. NO<sub>2</sub> monitoring is proposed based on location criteria. Public meetings will be held August 2009. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-15/a15944.pdf>

**Results of N<sub>2</sub>O Emissions from Reciprocating Engines Study** - Results from an API study reveals that N<sub>2</sub>O measured downstream of Non-Selective Catalytic Reduction systems were consistently higher than the uncontrolled emissions levels, as shown in Table C-6. [http://www.api.org/ehs/climate/new/upload/2004\\_COMPENDIUM.pdf](http://www.api.org/ehs/climate/new/upload/2004_COMPENDIUM.pdf)

**New Source Review (NSR) Aggregation Amendments** - EPA approved the new effective date of the NSR Aggregation Amendments to be May 18, 2010. EPA cites the 12-month delay is necessary to address issues raised. The rule change addresses emission aggregation under the Prevention of Significant Deterioration (PSD) and Nonattainment rules. Emission aggregation is the process of determining when emissions from physical changes need to be combined as a single project when determining if the emission increases are significant with respect to PSD or nonattainment rules. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/May/Day-14/a11271.pdf>

**New Source Performance Standards (NSPS) Subpart NNN for Distillation Units** - EPA made a correction to the TRE calculation §60.664(f)(1). The correction moves an exponent between terms in the TRE equation <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-24/a14992.pdf>

**NSPS Subpart Y for Coal Preparation and Processing Plants** - A supplemental proposal was issued by EPA to make revisions to the April 28, 2008 amendments. The changes include emission limits and opacity limits and modify applicability in some cases. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/May/Day-27/a11912.pdf>

**Texas State Implementation Plan (SIP) 1-hr Ozone** - EPA approved the two SIP plans from October 2005 for the Beaumont-Port Arthur (BPA) area. The requirements lower the threshold to 50 tons/yr for affected sources (batch processing and ship building/repair facilities) in a serious nonattainment area. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-10/a16270.pdf>  
<http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-10/a16271.pdf>  
<http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-10/a16271.pdf>

**National Assessment of Toxic Air Pollutants (NATA)** - The results of the 2002 assessment of air toxics are available. <http://www.epa.gov/ttn/atw/nata2002/risksum.html>

**Acid Rain Rules** - As a result of the December 2008 court ruling, EPA reaffirmed the 2006 revisions which include the Clean Air Interstate Rule (CAIR). <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-12/a13860.pdf>

**National VOC Emission Standards for Aerosol Coatings** - EPA amended 40 CFR Parts 51 and 59 by adding 128 compounds, clarifying terms and responsibilities, and correcting some reactivity factors. Initial notifications required under Section §59.511(b) are extended to July 31, 2009. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-23/a14580.pdf>

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## MACT Updates

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**MACT LLL for Portland Cement Kilns** - The comment period has been extended until September 4, 2009 and public hearings were held in June 2009. <http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-09/a13438.pdf>

**MACT AAAAAA - Asphalt Processing and Roof Manufacturing** - EPA proposed standards for process vents at the asphalt processing and asphalt roofing manufacturing area source categories. This affects facilities with NAICS codes such as 324110 and 324122. Facilities subject to 40 CFR Part 60 Subpart UU or 40 CFR Part 63 Subpart LLLL would still need to comply with this new subpart.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-09/a16260.pdf>

**MACT CCCCCC - Area Source Standards for Paints and Allied Products Manufacturing** - EPA proposed standards for the Paints and Allied Products Manufacturing area source category. This affects facilities with NAICS codes such as 325510, 325520, 325910 and 325998 but not any facilities already covered under MACT Subpart VVVVV.

<http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-01/a12563.pdf>

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## Reminders

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

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## On The Horizon

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**MACT DDDDD for Boiler and Heaters (Boiler MACT)** - EPA is slated to re-propose the Boiler MACT by September 15, 2009 instead of July 2009. The TCEQ issued 60 day extensions for full Part 2 applications for the case by case Boiler MACT.

[http://www.rmtinc.com/public/docs/boilermactextension\\_0709.pdf](http://www.rmtinc.com/public/docs/boilermactextension_0709.pdf)

**EPA and TCEQ NSR Program** - The proposed agreement on the timing of the EPA's review of aspects of Texas' air permitting program was filed in the federal court July 1, 2009. EPA has through December 2013 to complete TCEQ's 30 proposed changes.

<http://yosemite.epa.gov/opa/admpress.nsf/a883dc3da7094f97852572a00065d7d8/bb725ec74e483166852575e700722cf9!OpenDocument>

**Emissions Comparable Fuels (ECF) Rule** - EPA is evaluating public comments on the ECF rule and will make a determination whether to withdraw the ruling.

<http://www.epa.gov/epawaste/hazard/tsd/td/combust/compfuels/exclusion.htm#ruleinfo>

**Texas Senate Bill (SB) 1672: Federal Clean Air Interstate Rule Revision** - The TCEQ is expected to propose changes to 30 TAC Chapter 101 by September 2009 to address the CAIR SIP.

**Volatile Organic Compound (VOC) Control Technique Guidelines (CTG) Update** - By September 2009 the TCEQ is expected to propose rule changes to 30 TAC Chapter 115 concerning VOC standards with regards to consumer and commercial products.

**Relocations and Changes of Location of Portable Facilities** - The TCEQ expects to propose a new section in 30 TAC Chapter 116 by August 2009 to modify permitting requirements for the movement of portable facilities.

**HECT Program Cap Reduction and Allowance Reallocation** - By September 2009 the TCEQ plans to propose to reduce the HRVOC allowance cap in Harris County by 25% and revise the allowance allocation methodology. This rulemaking affects 30 TAC Chapter 101.

**Texas Pollutant Discharge Elimination System General Requirements for Concentrated Animal Feeding Operations (CAFOs)** - By September 2009 the TCEQ plans to propose changes to 30 TAC Chapter 321 to address the recent changes to the National Pollutant Discharge Elimination System (NPDES) CAFO regulations.

**Mass Emissions Cap and Trade (MECT) Program Cap Integrity for the Houston-Galveston-Brazoria (HGB) 8-Hour Ozone Nonattainment Area** - The TCEQ expects to eliminate the allocation of allowances in 30 TAC Chapter 101 to any major NO<sub>x</sub> facility which did not previously participate in the MECT program and did not submitted the activity certification.

**DFW Ozone Nonattainment Area** - The TCEQ expects to exempt low temperature drying/curing ovens used in mineral wool-type fiberglass and woven fiber mat manufacturing facilities. The proposed changes to 30 TAC Chapter 117 are expected August 2009.