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**Top Stories**

**1-Hr NO<sub>2</sub> National Ambient Air Quality Standard (NAAQS)** - Effective April 12, 2010, the 1-hr NO<sub>2</sub> NAAQS is being implemented in all relevant TCEQ New Source Review (NSR) air authorizations including Permits by Rule (PBRs). Permitting action which was submitted before April 12th is also subject to NO<sub>2</sub> review as applicable. Contact the reviewing TCEQ engineer for any updates on the NO<sub>2</sub> implementation.

<http://www.waid.com/downloads/1HrNO2Guidance.pdf>

**TCEQ's Qualified Facilities Program Rejected by EPA** - On April 14, 2010 EPA disapproved the Qualified Facilities Program in Chapter 116, although the definitions of *grandfathered facility*, *Maximum Allowable Emission Rate Table (MAERT)*, and *new facility* were approved. EPA's action is taken on the SIP submittals from 1996 and 1998 only.

<http://edocket.access.gpo.gov/2010/2010-8019.htm>

**Greenhouse Gas (GHG) Rule for Oil and Gas** - EPA proposed to add the oil and natural gas sector in the mandatory GHG reporting system.

<http://www.epa.gov/climatechange/emissions/proposedrule.html>

**MACT ZZZZ for Reciprocating Internal Combustion Engines (RICE)** - EPA approved MACT ZZZZ. The area source rule for existing RICE diesel engines is effective May 3, 2010.

<http://edocket.access.gpo.gov/2010/2010-3508.htm>

**MACT JJJJJJ for Area Boilers and MACT DDDDD for Boiler and Heaters** - On April 29, 2010, EPA proposed MACT regulations for boiler and heaters to reduce specific hazardous air pollutants. Note that all size boilers and heaters are potentially affected by either MACT DDDDD or JJJJJJ.

<http://www.epa.gov/airquality/combustion/actions.html>

**Toxic Release Inventory (TRI)** - EPA proposed to add 16 chemicals to the list of reportable chemicals.  
[http://www.epa.gov/tri/lawsandregs/ntp\\_chemicals/index.html](http://www.epa.gov/tri/lawsandregs/ntp_chemicals/index.html)

**TCEQ Trade Fair** - The Trade Fair is May 4th and 5th in Austin. Visit us at booth number 1000.

[http://www.tceq.state.tx.us/assets/public/assistance/etfc/2010\\_agenda.pdf](http://www.tceq.state.tx.us/assets/public/assistance/etfc/2010_agenda.pdf)

**Texas SIP**

**DFW Environmental Speed Limit (ESL) Control Strategy Conversion** - The TCEQ commissioner's approved to propose the conversion of the ESL requirements in the TCEQ's SIP over to a Transportation Control Measure (TCM). The conversion would facilitate the change in speed limits in the future without having to revise the TCEQ's SIP.

[http://www.tceq.state.tx.us/assets/public/implementation/air/sip/dfw/09026SIP\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/sip/dfw/09026SIP_pro.pdf)

**Harris County Fine Particulate Matter (PM<sub>2.5</sub>) Designation** - The governor of Texas recommended to the EPA that Harris County be designated as in attainment with the 1997 PM<sub>2.5</sub> standards.

<http://www.tceq.state.tx.us/assets/public/implementation/air/sip/pm25/ArmandarizAlfredo20100204.pdf>

**Houston-Galveston-Brazoria (HGB) 1997 Eight-Hour Ozone SIP Revision** - The TCEQ adopted several SIP revisions for the HGB nonattainment area for the 1997 ozone standard.

**Volatile Organic Compound (VOC) Control Technique Guidelines Update** - Changes to §115 concerning VOC standards for offset lithographic printing lines in the HGB and DFW areas.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/08019115\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/08019115_ado_clean.pdf)

**Highly Reactive VOC (HRVOC) Emissions Cap and Trade Program (HECT)** - Changes to Chapter 115 to reduce the existing HRVOC allowance cap in Harris County by 25% and revise the allowance allocation methodology.

[http://www.tceq.state.tx.us/assets/public/implementation/air/rules/misdocs/HECT\\_reallocation\\_ado.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/rules/misdocs/HECT_reallocation_ado.pdf)

**Mass Emissions Cap and Trade (MECT) Program for Houston-Galveston-Brazoria (HGB) Eight-Hour Ozone Nonattainment Area** - Changes to Chapter 101 eliminate allocation allowances for those sites which have not participated in the MECT program and not submitted the required certification by the due date. The definition for “uncontrolled design capacity” is revised to exclude post control technology. Additionally, site and facility applicability are clarified in §101.351.

[http://www.tceq.state.tx.us/assets/public/implementation/air/rules/misdocs/mect\\_integrity\\_ado.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/rules/misdocs/mect_integrity_ado.pdf)

**Qualified Facilities Program - Minor New Source Review (NSR) SIP** - On March 30, 2010, the TCEQ proposed revisions to Chapter 116 on qualified facilities in order to address the EPA's concerns.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/10006116\\_pex.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/10006116_pex.pdf)

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/10006116\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/10006116_pro.pdf)

**Banking and Trading Program** - EPA proposed to approve October 24, 2006 and August 16, 2007 submittals on the Emissions Banking and Trading and Discrete Emission Reduction Credit (DERC) Program. <http://edocket.access.gpo.gov/2010/2010-6800.htm>  
<http://edocket.access.gpo.gov/2010/2010-6801.htm>

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## **TCEQ Updates**

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### **Stakeholder Meetings -**

#### **Chapter 115 Volatile Organic Compounds (VOC):**

The TCEQ held meetings in February to address potential revisions to Chapter 115 on Degassing or Cleaning of Stationary, Marine, and Transport Vessels.

[http://www.tceq.state.tx.us/assets/public/implementation/air/rules/115/022210\\_Presentation.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/rules/115/022210_Presentation.pdf)

**Standard Permit for Oil and Gas Production:** On April 8, 2010, the TCEQ held a stakeholder meeting on the development of a standard permit for oil and gas production facilities and the concurrent modification of the Chapter 106 permit by rule, §106.352, Oil and Gas Production Facilities.

[http://www.tceq.state.tx.us/permitting/air/announcements/advisory/Current/sp\\_oilgas\\_sg.html](http://www.tceq.state.tx.us/permitting/air/announcements/advisory/Current/sp_oilgas_sg.html)

**HRVOC** - A stakeholders meeting will be held in Houston on May 14th to provide training on completing the Form ECT-6H for the Cap and Trade Baseline. The form is due July 1, 2010.

[http://www.tceq.state.tx.us/assets/public/implementation/air/banking/hrvoc/051410\\_Agenda.pdf](http://www.tceq.state.tx.us/assets/public/implementation/air/banking/hrvoc/051410_Agenda.pdf)

**Clean Air Interstate Rule (CAIR)** - The TCEQ adopted the changes to Chapter 101 to incorporate the federal CAIR rules. The deadline to submit a CNA-2 form for applicable sources (built after January 2001) was subsequently changed from July 1st to May 1st. The CNA-2 form is used to obtain allocations for the new unit set-aside trading budget. [http://www.tceq.state.tx.us/implementation/air/banking/air\\_banking\\_form.html](http://www.tceq.state.tx.us/implementation/air/banking/air_banking_form.html).

**Clean Air Mercury Rule (CAMR)** - The TCEQ repealed the CAMR state plan from Chapters 101 and 122 since the federal rule was vacated.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/07054101\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/07054101_ado_clean.pdf)

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/07054122\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/07054122_ado_clean.pdf)

**Portable and Temporary Facility** - The TCEQ approved the changes to Chapter 116 to add definitions and requirements on portable facilities. The proposal takes the place of the TCEQ guidance on portable facilities. The use of Permits by Rule to authorize operations while stationary at a facility will still be allowed.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/08031116\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/08031116_ado_clean.pdf)

**Portable Fuel Container Rule Repeal** - The TCEQ repealed the portable fuel container rules in Chapter 115, Subchapter G, Division 2, since the rules duplicate a federal portable fuel container rule promulgated in February 2007.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/08032115\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/08032115_ado_clean.pdf)

### **Use of Standard Permits and Permits by Rule (PBR)**

The TCEQ proposed changes to Chapters 106 and 116 to prevent an applicant from switching to a Standard Permit or PBR authorization in order to avoid a contested case hearing for an NSR permit application or amendment. The proposed rules would also prevent application for an NSR permit within 12 months of applying for a Standard Permit or PBR authorization. Additionally, the TCEQ is modifying Chapter 106 to clarify that the PBR limit of 25/250 tons/yr limit applies at a site when using a PBR authorization unless at least one facility at the site has undergone public notice.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/09016116\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/09016116_pro.pdf)

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/09016106\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/09016106_pro.pdf)

**Agricultural Permit by Rule (PBR) Revisions and Standard Permit** - The TCEQ proposed to repeal PBR 30 TAC §§106.283 and 302 which will be covered by the agricultural air quality standard permits proposed November 2009.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/09025106\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/09025106_pro.pdf)

**Thermoset Resin Standard Permit** - The TCEQ proposed a Standard Permit for Thermoset Resin facilities. PBR 30 TAC §106.392 will be repealed in a separate rulemaking. Provide comments by May 10, 2010.

<http://www.tceq.state.tx.us/assets/public/permitting/air/Announcements/thermoset19.pdf>  
[http://www.tceq.state.tx.us/permitting/air/announcements/nsr\\_announce\\_04\\_02\\_10.html](http://www.tceq.state.tx.us/permitting/air/announcements/nsr_announce_04_02_10.html)

**SB 1759: Texas Clean Fleet Program** - The TCEQ modified Chapter 114 to address the Clean Fleet Program. The program provides grants to eligible fleets which replace diesel vehicles with alternative fuel or hybrid vehicles voluntarily.

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/09047114\\_ado\\_clean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/09047114_ado_clean.pdf)

**Updated Publications** - The TCEQ updated the following publications:

Public Participation <http://www.waid.com/downloads/GI233.pdf>

Field Citation <http://www.waid.com/downloads/RG456.pdf>

**SB 1387: Injection and Storage of Anthropogenic Carbon Dioxide** - The TCEQ proposed changes to Chapter 331 to address geological storage and sequestering of Carbon Dioxide (CO<sub>2</sub>).

[http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/proposals/09044331\\_pro.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/09044331_pro.pdf)

**NSR Air Quality Analysis Process** - The TCEQ changed the process for the TCEQ's technical review concerning the air quality analysis of the emissions in an application or amendment application in order to prevent, reduce, and manage permit backlog.

[http://www.tceq.state.tx.us/assets/public/permitting/air/Announcements/moodeling\\_changes3\\_10.pdf](http://www.tceq.state.tx.us/assets/public/permitting/air/Announcements/moodeling_changes3_10.pdf)

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## EPA Updates

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### Greenhouse Gases (GHG)

EPA proposed to require the reporting of fluorinated greenhouse gas (fluorinated GHG) emissions from specific source categories. Only monitoring and reporting requirements are proposed.

<http://edocket.access.gpo.gov/2010/2010-6768.htm>

EPA proposed a rule to require reporting on carbon dioxide (CO<sub>2</sub>) injection and geologic sequestration (GS). Only monitoring and reporting requirements are proposed. <http://edocket.access.gpo.gov/2010/2010-6766.htm>

EPA and the U.S. Department of Transportation (DOT) issued GHG rules for gas emission standards on all new passenger cars and light trucks.

<http://www.epa.gov/otaq/climate/regulations/dv-ghg-final-rule.pdf>

EPA established the interpretation of the term "regulated NSR pollutant" with respect to GHG, that the PSD permitting requirements will not apply to a newly regulated pollutant until a regulatory requirement to control emissions of that pollutant takes effect.' EPA determined that PSD and Title V permitting requirements will not apply to GHGs until at least January 2, 2011.

<http://edocket.access.gpo.gov/2010/2010-7536.htm>

### PSD for Particulate Matter Less than 2.5

**micrometers (PM<sub>2.5</sub>)** - EPA proposed to remove the use of PM<sub>10</sub> as a surrogate for PM<sub>2.5</sub> and remove the 'grandfathering' clause in the PSD rules.

<http://edocket.access.gpo.gov/2010/2010-2983.htm>

<http://edocket.access.gpo.gov/2010/pdf/2010-2983.pdf>

### PSD and Nonattainment Inclusion of Fugitives -

EPA provided an additional 18-month stay on the requirement to include fugitive emissions for modifications, making the deadline October 3, 2011.

<http://edocket.access.gpo.gov/2010/2010-7036.htm>

### PSD Review and Project Aggregation -

EPA proposed reconsideration of the aggregation amendments for PSD review. Public comment is requested by May 17, 2010.

<http://edocket.access.gpo.gov/2010/2010-7534.htm>

### Rulemaking Gateway -

The Rulemaking Gateway website was developed to bring transparency and increased participation in the rulemaking process.

<http://yosemite.epa.gov/opei/RuleGate.nsf/>

**NAAQS for NO<sub>x</sub> and SO<sub>x</sub>** - EPA made available the preliminary draft report on the review of secondary NAAQS for NO<sub>x</sub> and SO<sub>x</sub>. Comments must be submitted by May 13, 2010.

<http://www.epa.gov/ttn/naaqs/standards/no2so2sec/data/20100302padraft.pdf>

**Ozone Monitoring Equivalent** - EPA approved '2B Technologies Model 202 Ozone Monitor' as an equivalent monitoring device. The device

measurement uses ultraviolet absorption photometry.  
<http://edocket.access.gpo.gov/2010/2010-9756.htm>

**NSPS CCCC and DDDD for Solid Waste Incinerators** - On April 29, 2010, EPA proposed revisions to the incinerator rules to address the definition of solid waste and address new standards and guidelines.  
<http://www.epa.gov/airquality/combustion/docs/ciswirule20100429.pdf>

**Renewable Fuel Standards** - EPA finalized changes to 40 CFR 80 to increase the volume of renewable fuel (or biofuel).  
<http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>

**Alternative Test Method for NSPS and NESHAP Rules** - EPA made available the approved alternative test methods made in support of NSPS and NESHAP in 2009. <http://edocket.access.gpo.gov/2010/2010-3405.htm>

**Acid Rain Blog** - EPA posts daily blogs concerning the Acid Rain Program. <http://blog.epa.gov/acidrain/>

**Toxic Substances Control Act (TSCA) Chemical Substance Inventory** - EPA provided web access to the TSCA inventory.  
<http://www.epa.gov/oppt/newchems/pubs/invntory.htm>

**Tier 1 SPCC Plan** - Electronic versions of the Tier I qualified facility SPCC Plan template in 40 CFR Part 112, Appendix G are available.  
<http://www.epa.gov/emergencies/content/spcc/tier1temp.htm>

**EPA's Semiannual Regulatory Agenda** - EPA published the semiannual regulatory flexibility agenda and semiannual regulatory agenda.  
<http://edocket.access.gpo.gov/2010/2010-8940.htm>

**ToxRefDB** - EPA released a database of toxicity testing results to the public.  
<http://actor.epa.gov/toxrefdb/faces/Home.jsp>

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## MACT Updates

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**Case-By-Case MACT** - EPA proposed changes to Section 112(j) of the Clean Air Act to clarify how the case-by-case emission limit is established for major source categories in the event a federal court vacates the MACT. Provide comments by May 27, 2010 (extended comment period).  
<http://edocket.access.gpo.gov/2010/2010-7041.htm>

**MACT EEEEEEE for Gold Mine Ore Processing and Production Area Source** - EPA proposed MACT standards for gold mine ore processing and production area sources for mercury standards.  
[http://www.epa.gov/ttn/oarpg/t3/fr\\_notices/goldminepr.pdf](http://www.epa.gov/ttn/oarpg/t3/fr_notices/goldminepr.pdf)

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## Reminders

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Submit Form ECT-6H by **July 1, 2010** for applicable sources subject to TCEQ's HRVOC Emission Cap and Trade Program.

Semiannual MACT compliance reports are due **7/31/2010** unless an alternative date is established by the Title V permit.