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Top Stories

Maximum Achievable Control Technology (MACT) DDDDD for Boilers and Process Heaters at Major Sources and MACT JJJJJJ for Boilers at Area Sources - On February 21, 2011 EPA issued the MACT regulations for boilers and process heaters, which regulate particulate matter (PM) and carbon monoxide (CO) as surrogates for metallic hazardous air pollutant (HAP) and organic HAP, respectively. Some of the significant changes are the CO limits for biomass and oil firing units and new small units will have work practice requirements instead of emission limits. The date for "new" or "existing" unit determination is based on the re-proposal date, May 20, 2011.

For area sources, the requirements address only boilers which burn coal, oil, or biomass, or non-waste materials. Maintenance requirements only apply to units <10 MM Btu/hr.

Initial notifications are due in September for existing affected sources. EPA also gave notice that they were reconsidering portions of the rules.

<http://www.gpo.gov/fdsys/pkg/FR-2011-03-21/pdf/2011-4494.pdf>
<http://www.gpo.gov/fdsys/pkg/FR-2011-03-21/pdf/2011-4493.pdf>
<http://www.epa.gov/airquality/combustion/actions.html#feb11>
<http://www.gpo.gov/fdsys/pkg/FR-2011-03-21/pdf/2011-4490.pdf>

Greenhouse Gases (GHG) Reporting - EPA extended the 2010 GHG reporting deadline to September 30, 2011.

<http://edocket.access.gpo.gov/2011/pdf/2011-6417.pdf>

Permitting Guidance on GHG - On March 25th EPA provided updated guidance for PSD and Title V permitting for GHG. Earlier in March EPA provided a questions/answers document.

<http://www.epa.gov/nsr/ghgdocs/ghgpermittingguidance.pdf>
<http://www.epa.gov/nsr/ghgdocs/TriggeringPSDatnonAnywaySourcesandMods.pdf>

Refinery Information Collection Request (ICR) - EPA made a Clean Air Act Section 114 request (114 Request) affecting 152 petroleum refineries. Stack testing or other emission testing may be requested. The information will be used to update New Source Performance Standards (NSPS) and MACT regulations. There are four components to the data request. Due dates for the responses are: May 31st (for component 1), June 30th (for component 2) and August 31st of 2011 (for components 3 and 4). Responding to this data request will be a time intensive and potential expensive process.

Component 1 includes general facility information, process unit information, incident reports, cost data for pollution controls installed in the last 5 years and existing stack test and continuous emission monitoring systems (CEMS and CMS) information. Component 2 includes an inventory of routine and non-routine emissions. Component 3 includes sampling and analysis of the refinery feed. Component 4 requests testing for only specific sites.

http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201102-2060-003 <http://www.gpo.gov/fdsys/pkg/FR-2011-02-02/pdf/2011-2273.pdf> <https://refineryicr.rti.org/>

New Oil and Gas Standard Permit and Permit by Rule (PBR) - The TCEQ executive director recommended repealing the existing Oil and Gas PBR §106.352 and adopting the new PBR and non-rule standard permit.

The existing standard permit will remain as an authorization for new oil and gas site in Texas counties outside of the Barnett Shale region until January 5, 2012 and for renewals until January 1, 2016.

Existing oil and gas sites currently authorized by the now-repealed PBR may continue to use the old PBR until a change at the site occurs or by 2012 when authorizations of maintenance, startup, and shutdown (MSS) emissions are required. Replacement of an engine would constitute a change. The new PBR may be broken out into four categories of changes in order to determine the relevant PBR requirements. The four categories are: unchanged, replacement, insignificant new, and new.

Also, the new PBR has specific and additional requirements for the Barnett Shale region.

The TCEQ is requesting anonymous surveys to be completed by industry to help with the structuring of the NSR rules.

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/10018106_ado_clean.pdf

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/OGS%20Standard%20Permit_ado.pdf

<http://www.tceq.texas.gov/assistance/industry/oilgas.html>.

TCEQ Updates

Emission Fee Increase - TCEQ proposed to increase the emission fee base rate from \$25/ton to \$35/ton with a cap of \$45/ton.

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/proposals/11006101_pro.pdf

New Source Review (NSR) Reform - The TCEQ proposed changes to Chapter 116 with regards to the Plant-Wide Applicability Limit (PAL) rules to address EPA's concern with meeting the Federal Clean Air Act (FCAA). Definition changes and conditions for reopening PAL permits are proposed to address federal requirements.

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/10008116_ado_clean.pdf

Tank Degassing Requirements - The TCEQ adopted changes to the Chapter 115 tank degassing requirements. In particular, the degassing period is now proposed to be 72 hours.

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/09036115_ado_clean.pdf

Flare Study Report - The University of Texas Center for Energy and Environmental Resources (UTCEER) will provide the draft final report of the TCEQ flare study on April 18, 2011 for comments.

http://www.tceq.texas.gov/airquality/point-source/stationary-rules/flare_stakeholder.html

State Implementation Plan (SIP) for Lead

Transport - The TCEQ will submit to the EPA a SIP revision request with regards to implementing the 2008 Lead NAAQS. The SIP will address existing control strategies for Collin County.

http://www.tceq.texas.gov/assets/public/implementation/air/sip/lead/transport/11005SIP_pro.pdf

SO₂ National Ambient Air Quality Standard

(NAAQS) - The TCEQ developed proposed SIP changes to address the revised SO₂ NAAQS and is

expected to be addressed at the next commissioners meeting. Currently the TCEQ is recommending area designations, in particular, that Jefferson County be designated as nonattainment for SO₂ and Nueces County is also at risk for nonattainment designation.

http://www.tceq.texas.gov/assets/public/implementation/air/sip/so2/SO2_package.pdf

1-hr Ozone NAAQS - The TCEQ adopted changes to Chapters 101 and 116 to address the 1-hr standard.

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/08030116_ado_clean.pdf

http://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/adoptions/08030101_ado_clean.pdf

Non-Rule Air Standard Permits for Pollution

Control Projects - The TCEQ issued a new non-rule standard permit for pollution control projects. Any projects starting construction after March 3, 2011 must meet the requirements of this new non-rule standard permit. Previous versions of the 116.617 Standard Permit will be renewed under the new non-rule standard permit, after March 3rd.

http://www.tceq.texas.gov/assets/public/permitting/air/Announcements/pc_psp-exsum.pdf

http://www.tceq.texas.gov/assets/public/permitting/air/Announcements/pc_psp-nonrule.pdf

Air Pollution Control Guide - In March 2011 the TCEQ developed a draft air pollution control guidance document which is used by permit reviewers during the technical review process of permit applications.

http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/airpoll_guidance.pdf

Toxicology - The TCEQ published a 60-day public review of the Effects Screening Level (ESL) Development Support Documents (DSDs) which summarize how ESLs were derived. The public comment is on 1,1,1-Trichloroethane, 4-Vinylcyclohexene, Methylene Chloride, Pentane-all isomers, Silica-Amorphous and other non-crystalline forms, Nickel/Inorganic Nickel Compounds. The comment period closes May 3, 2011.

http://www.tceq.texas.gov/toxicology/dsd/dsds_about.html

Toxicological Evaluations - The TCEQ posted the 2009 annual evaluations for all TCEQ regions on their website.

<http://www.tceq.texas.gov/toxicology/regmemo/AirMain.html#latest>

Texas Emission Reduction Plant (TERP) Rebate

Grants Program - The TCEQ is accepting applications for the TERP Rebate Grants program in

the following areas: Austin Area, Beaumont-Port Arthur Area, Dallas-Fort Worth Area, Houston-Galveston-Brazoria Area, San Antonio Area and Tyler-Longview area. Applications will be accepted through July 29, 2011. <http://www.tceq.texas.gov/airquality/terp>
http://www.tceq.texas.gov/assets/public/implementation/air/terp/rebate/Rebate_change.pdf

Oil and Gas General Operating Permits 511-514 -

The TCEQ published notice on April 8th and will hold a public hearing on April 28, 2011 regarding the proposed revisions and renewal of the Oil and Gas General Operation Permits. Comments must be submitted by May 9, 2011.

http://www.tceq.texas.gov/permitting/air/announcements/tv-announce-04-08-11.html#hearing_public

Texas Pollutant Discharge Elimination System Multi Sector General Permit (MSGP) -

The TCEQ held a public meeting April 12th with regards to the proposed amendment and renewal of the general permit, Permit No. TXR050000.

<http://www.tceq.texas.gov/agency/opa/calendar.html#tceq>

TCEQ Trade Fair - The Trade Fair is May 3rd and 4th at the Austin Convention Center. Stop by and visit us at booth 1728.

<http://www.tceq.texas.gov/assets/public/assistance/etfc/brochure.pdf>

EPA Updates

Permitting Guidance on GHG - EPA updated guidance for PSD and Title V permitting for GHG on March 25th.

<http://www.waid.com/downloads/ghgpermittingguidance.pdf>

GHG Permitting - EPA will delay the CO₂ permitting requirements for 3 years for bioenergy and biogenetic sources.

<http://edocket.access.gpo.gov/2011/pdf/2011-6438.pdf>

GHG Emissions Inventory - The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2009 is available.

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

Prevention of Significant Deterioration (PSD) and Nonattainment – Inclusion of Fugitive Emissions -

EPA extended the effective date of the “Fugitive Emissions Rule” rule as well as clarified that the regulations revert back to either the completion of the judicial review or EPA’s reconsideration of the rule published December 19, 2008. The 2008 ruling

exempted fugitive emissions in the determination for federal NSR applicability.

<http://www.epa.gov/nsr/documents/20100506final.pdf>

NSPS Subpart D Series for Steam Generating Units -

EPA amended testing and monitoring requirements for particulate matter and opacity. The deadline to implement a Compliance Opacity Monitoring Systems (COMS) is delayed to April 29, 2011. NSPS Subparts D and Da include an exemption from periodic opacity monitoring requirements for applicable natural gas fired units. For Subparts Da, Db, and Dc, condensable PM performance test is not required with PM CEMs. EPA also made editorial corrections.

<http://www.gpo.gov/fdsys/pkg/FR-2011-01-20/pdf/2011-1008.pdf>

NSPS Subparts D, Db, and Dc - Along with the proposed MACT UUUUU for coal or oil-fired electric generating units, EPA proposed changes to Subparts D, Db, and Dc .

<http://www.epa.gov/airquality/powerplanttoxics/pdfs/proposal.pdf>

Houston-Galveston-Brazoria, Texas (HGB) SIP for 8-hr Ozone -

EPA determined the Motor Vehicle Emission Budgets and the Reasonable Further Progress (RFP) and Attainment Demonstration State Implementation Plan (SIP) revisions, submitted by the TCEQ on April 1st and April 6th, 2010 respectively, by the TCEQ are adequate <http://www.gpo.gov/fdsys/pkg/FR-2011-01-25/pdf/2011-1470.pdf>

Texas SIP - EPA approved the proposed changes submitted on March 4, 2010 regarding the 30 TAC Chapter 115 changes to remove the Portable Fuel Container rule as an ozone control strategy.

<http://www.gpo.gov/fdsys/pkg/FR-2011-02-24/pdf/2011-3996.pdf>

EPA withdrew the proposal to disapprove the System Cap Trading (SCT) program under 30 TAC 101.380-101.385 since the TCEQ withdrew the SIP request.

<http://www.gpo.gov/fdsys/pkg/FR-2011-04-08/pdf/2011-8427.pdf>

EPA proposed to disapprove the November 2009 TCEQ SIP request concerning the 2006 PM_{2.5} NAAQS citing that the request did not address the required elements outlined in their 2009 guidance.

<http://www.gpo.gov/fdsys/pkg/FR-2011-04-13/pdf/2011-8995.pdf>

NO_x and SO_x Secondary NAAQS - EPA released the final document on the review of the Secondary NAAQS for Oxides of Nitrogen and Sulfur. EPA is considering a secondary NAAQS in the range of 20

to 75 microequivalents per liter ($\mu\text{eq/L}$).
<http://www.gpo.gov/fdsys/pkg/FR-2011-02-15/pdf/2011-3382.pdf>

CO NAAQS - EPA proposed to keep the CO NAAQS unchanged. <http://edocket.access.gpo.gov/2011/pdf/2011-2404.pdf>

1-Hour NO₂ NAAQS Modeling Guidance - EPA issued guidance addressing PSD air dispersion modeling of NO₂ for the 1-hr NAAQS. The document is in addition to the June 2010 guidance on the interim Significant Impact Level for NO₂.
http://www.epa.gov/ttn/scram/Additional_Clarifications_AppendixW_Hourl...

Air Dispersion Modeling Screening Model - EPA released AERSCREEN, which is the screening model for AERMOD.
http://www.epa.gov/ttn/scram/dispersion_screening.htm

Regulation Review - EPA requested public comment until April 4th concerning review of regulations with regards to what regulations need to be removed, changed, or streamlined.
<http://www.epa.gov/improvingregulations/>

2005 National-Scale Air Toxics Assessment (NATA) - EPA released the 2005 NATA results. The study finds that cancer risk is greater than in 2002 even though overall HAP emissions have reduced.
<http://www.epa.gov/nata2005/>

Renewable Fuel Standard - EPA denied the petitions from May 2010 with regards to verifying if the domestic crops used to produce renewable fuels had complied with the applicable land use restrictions. <http://www.gpo.gov/fdsys/pkg/FR-2011-03-22/pdf/2011-6561.pdf> <http://www.gpo.gov/fdsys/pkg/FR-2011-04-01/pdf/2011-7822.pdf>

MACT Updates

MACT U, Y, KK, and GG – for Group 1 Polymers/Resins; Marine Loading; Pharmaceuticals, and Printing - EPA changed four MACT regulations. Previously unregulated emission sources are addressed and some corrections and clarifications are made.
<http://www.waid.com/downloads/rtrbrin1final20110331.pdf>

MACT TTT for Primary Smelting - EPA proposed changes to the lead emission limits, added a lead ambient air concentration standard, revised testing and monitoring, notification, recordkeeping, and reporting requirements. EPA extended the public comment period to April 19th.
<http://www.gpo.gov/fdsys/pkg/FR-2011-02-17/pdf/2011-2866.pdf>

MACT ZZZZ for Reciprocating Internal Combustion Engines - EPA amended the regulation to address correction/clarifications and allow an additional 180 days before sources must comply with the continuous parameter monitoring systems.
<http://www.gpo.gov/fdsys/pkg/FR-2011-03-09/pdf/2011-5196.pdf>

MACT BBBBBB and CCCCCC for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities - EPA approved amendments January 24th. Some of the changes are summarized below.

For Subpart BBBBBB, a provision for overlapping with 40 CFR 60 Subpart XX was added. Entry 2 on the Table 1 concerning secondary seals was updated. The definition for gasoline storage tank was updated to exclude mobile sources.

For Subpart CCCCCC, the compliance date for existing gasoline dispense facilities (GDF) which provide fuel to non-motor vehicle equipment is January 24, 2014. Initial notification for these GDFs is 120 days after publication. Vapor tightness testing requirements were added.
<http://www.gpo.gov/fdsys/pkg/FR-2011-01-24/pdf/2011-906.pdf>

MACT VVVVVV for Chemical Manufacturing Area Sources - EPA issued a stay to §63.11494(3) which requires a site to obtain a Title V permit if the site was major but became minor after November 15, 1990 because of a control device on a chemical manufacturing process unit. The stay lasts until the final reconsideration of this rule
<http://www.gpo.gov/fdsys/pkg/FR-2011-03-14/pdf/2011-5778.pdf>

MACT UUUUU for Coal and Oil Fired Electric Utility Steam Generating Unit - The proposed rule replaces Subpart HHHH which was the court-vacated rule. <http://www.waid.com/downloads/SubpartUUUUU.pdf>

Area Source MACT Completion - EPA gave notice that they have promulgated all area source standards for HAPs as required by sections 112(c)(3) and (k)(3)(B) and 112(c)(6) of the Clean Air Act (CAA).
<http://www.epa.gov/ttn/atw/fr21mr11.pdf>

Reminders

As of **April 6, 2011** companies are required to submit only electronic versions of any new chemical notices, including pre-manufacture notices (PMNs) under

TSCA rules. The notices must be submitted electronically through CDX or on optical CD and must use e-PMN software. Note: Optical discs can no longer be used after April 6, 2012.

Component 1 of the refinery 114 request is due on **May 31, 2011**.

Collin, Dallas, Denton, and Tarrant Counties to comply with the current Chapter 115 degassing rules no later than **May 21, 2011**.

The Air Emissions and Inspection Fee Basis Form is due on **June 1, 2011**, or 60 days from the date of receipt of the TCEQ notification letter.

TRI Reports are due **July 1, 2011**.

Submit Form ECT-6H by **July 1, 2011** for applicable sources subject to the TCEQ's HRVOC Emission Cap and Trade Program.

Semiannual MACT compliance reports are due by **July 31, 2011** unless an alternative date is established by the Title V permit.