



CE Environmental *focus*

ADDRESSING THE NEEDS OF THE REGULATED
COMMUNITY FOR ENVIRONMENTAL COMPLIANCE

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Helping you achieve
your environmental
compliance goals



Keeping up with new regulations is the first step towards environmental compliance

New Air Regulations

EPA AMENDS AEROSOL COATINGS REACTIVITY RULE

On June 23rd, the EPA finalized amendments to the National Volatile Organic Compound Emission Standards for Aerosol Coatings (aerosol coatings reactivity rule), which establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under section 183(e) of the Clean Air Act. These amendments add compounds and associated reactivity factors to Table 2--Reactivity Factors based on petitions EPA received from regulated entities, and clarify which volatile organic compounds are to be quantified in compliance determinations. Additionally, this final rule makes certain changes related to the notice required for a company to certify that it will assume the responsibility for compliance with recordkeeping and reporting requirements for a regulated entity, and it also addresses which party is liable following such a certification. Further, in this action the EPA makes minor revisions and corrections to the aerosol coatings reactivity rule. Finally, in this action the EPA is extending the deadline for submitting the initial notifications required in one section of the aerosol coatings regulations for 30 days, until July 31, 2009. This final rule is effective on June 23, 2009. For further information contact Ms. J. Kaye Whitfield at (919) 541-2509 or whitfield.kaye@epa.gov.

EPA AMENDS NMPP RULES

On April 28th, the EPA finalized amendments to the Standards of Performance for Nonmetallic Mineral Processing Plant(s) (NMPP). These final amendments include revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction on or after April 22, 2008. These final amendments for NMPP also include: Additional testing and monitoring requirements for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008; exemption of affected facilities that process wet material from this final rule; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. The EPA is not taking any final action in this document regarding the amendment to the Standards of Performance for Calciners and Dryers in Mineral Industries discussed in the proposed rule. This final rule was effective on April 28, 2009. For further information contact Mr. Bill Neuffer (919) 541-5435 or neuffer.bill@epa.gov.

EPA ANNOUNCES NEW AIR SAMPLING METHODS

On June 2nd, the EPA announced three new reference methods and four new equivalent methods. The reference methods include one for measuring carbon monoxide (CO) in ambient air (Ecotech Serinus 30 Carbon Monoxide Analyzer) and two for measuring PM10-2.5 in the ambient air (a Thermo Scientific Partisol® Model 2000 sampler pair and a Partisol®-Plus Model 2025 Sequential sampler pair). The four new equivalent methods are two for measuring PM2.5 and two for measuring PM10-2.5 in the ambient air (Thermo Scientific Partisol® Model 2000-D, and Dichotomous Partisol®-Plus Model 2025-D Sequential, air samplers). For further information contact Surender Kaushik at (919) 541-5691 or Kaushik.Surender@epa.gov.



New Air Regulations

EPA DELAYING PSD AGGREGATION RULE

On May 14th, the EPA issued a final rule that amends and delays the effective date for the rule addressing “aggregation” under the Prevention of Significant Deterioration (PSD) and the nonattainment New Source Review (nonattainment NSR) programs (collectively, “NSR”). The “NSR Aggregation Amendments” were published in the Federal Register on January 15, 2009, and described when a source must combine nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emissions increase. On January 30, 2009, the Natural Resources Defense Council (NRDC) submitted a petition for reconsideration (the “NRDC Petition”) of the NSR Aggregation Amendments. In response to the NRDC Petition, EPA announced on February 13, 2009, that it would convene a reconsideration proceeding for the NSR Aggregation Amendments and would delay the effective date of the rule from February 17, 2009 until May 18, 2009. On March 18, 2009, EPA proposed an additional delay of the effective date and solicited comment on the duration of the additional delay. By this rule, EPA is delaying the effective date of the NSR Aggregation Amendments for an additional 12 months, which will allow for sufficient time to conduct the reconsideration proceeding. The new effective date of the rule is May 18, 2010. For further information contact Mr. David J. Svendsgaard (919) 541-2380 or svendsgaard.dave@epa.gov.

EPA AMENDS SO₂ EMISSION RULE FOR BIOGAS STATIONARY COMBUSTION TURBINES

On March 20th, the EPA took direct final action on amendments to the sulfur dioxide air emission standards for stationary combustion turbines that burn biogas (landfill gas, digester gas, etc.). Without these amendments, owners/operators of new stationary combustion turbines burning biogas containing relatively low amounts of sulfur-containing compounds will be required to install pretreatment facilities to remove the sulfur compounds prior to combustion or to install post combustion controls to lower sulfur dioxide emissions. It was not EPA's intent to require the use of either of these approaches, and the costs associated with either approach are substantially greater than the environmental benefit resulting from the decrease in sulfur dioxide emissions. This direct final rule was effective on May 19, 2009. For further information contact Mr. Christian Fellner at (919) 541-4003 or fellner.christian@epa.gov.

EPA APPROVES TEXAS SIP CHANGES

On March 20th, the EPA took direct final action to approve portions of three revisions to the Texas State Implementation Plan (SIP) submitted on July 22, 1998, October 4, 2002, and September 25, 2003; these revisions amend existing sections and create new sections in Title 30 of the Texas Administrative Code (TAC), Chapter 106--Permits by Rule and Chapter 116--Control of Air Pollution by Permits for New Construction or Modification. The July 22, 1998, revision repeals and replaces the Renewal Application Fees section with a new section. The October 4, 2002, revision increases the determination of fees for NSR permits, corrects addresses, and makes other administrative changes. The September 25, 2003, revision clarifies that an emission reduction credit must be certified and banked to be creditable as an offset in the NSR permitting program, repeals and replaces the section that addresses the use of emission reductions as offsets for NSR permitting and the definition of “offset ratio”, and makes administrative changes. This direct final rule is effective on May 19, 2009. For further information contact Ms. Melanie Magee (214) 665-7161 or magee.melanie@epa.gov.



New Air Regulations

EPA PROPOSES MANDATORY GREENHOUSE EMISSIONS REPORTING

On April 10th, the EPA proposed a regulation to require reporting of greenhouse gas emissions from all sectors of the economy. The rule would apply to fossil fuel suppliers and industrial gas suppliers, as well as to direct greenhouse gas emitters. The proposed rule does not require control of greenhouse gases, rather it requires only that sources above certain threshold levels monitor and report emissions. For further information contact Carole Cook at (202) 343-9263 or GHGReportingRule@epa.gov.

EPA PROPOSES TO AMEND AEROSOL COATINGS REACTIVITY RULE

On April 2nd, the EPA proposed to amend the National Volatile Organic Compound Emission Standards for Aerosol Coatings (aerosol coatings reactivity rule), which establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under section 183(e) of the Clean Air Act. This proposed action amends Table 2A of the aerosol coatings reactivity rule by adding compounds and associated reactivity factors based on petitions EPA received; and by clarifying which volatile organic compounds are to be quantified in compliance determinations. Additionally, the EPA is proposing certain changes related to the notice required for a company to certify that it will assume the responsibility for compliance with record keeping and reporting requirements for a regulated entity, and taking comment on whether to change who is liable following such certification. Finally, this action proposes minor revisions and corrections to the aerosol coatings reactivity rule. For further information contact Ms. J. Kaye Whitfield at (919) 541-2509 or whitfield.kaye@epa.gov.

EPA PROPOSES TO AMEND COAL PLANT RULES

On May 27th the EPA proposed a supplemental action to the proposed amendments to the new source performance standards for coal preparation and processing plants published on April 28, 2008. The 2008 proposal, among other things, proposed to revise the particulate matter and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment located at coal preparation and processing plants. This supplemental action proposes to revise the particulate matter emissions and opacity limits included in the original proposal for thermal dryers, pneumatic coal-cleaning equipment, and coal handling equipment. It also proposes to expand the applicability of the thermal dryer standards so that the proposed standards for thermal dryers would apply to both direct-contact and indirect-contact thermal dryers drying all coal ranks and pneumatic coal-cleaning equipment cleaning all coal ranks. In addition, the EPA proposes to establish an SO₂ emission limit and a combined NO_x and CO emissions limit for thermal dryers. The agency is proposing to amend the definition of coal for purposes of subpart Y to include petroleum coke and coal refuse. Finally, it proposes to establish work practice standards to control coal dust emissions from open storage piles and roadways associated with coal preparation and processing plants. For further information contact Ms. Mary Johnson at (919) 541-5025 or johnson.mary@epa.gov.

EPA To APPROVE TEXAS SIP REVISIONS FOR HGB

On April 22nd, the EPA approved a revision to the Texas State Implementation Plan (SIP) to meet the Reasonable Further Progress (RFP) requirements of the Clean Air Act (CAA) for the Houston-Galveston-Brazoria (HGB) moderate 1997 8-hour ozone nonattainment area. EPA is also approving the RFP motor vehicle emissions budgets (MVEBs) and the 2002 Base Year Emission Inventory associated with the revision. EPA is approving the SIP revision because it satisfies the RFP and Emissions Inventory requirements for 1997 8-hour ozone nonattainment areas classified as moderate, and demonstrates further progress in reducing ozone precursors. EPA is approving the revision pursuant to section 110 and part D of the CAA and EPA's regulations. For further information contact Emad Shahin (214) 665-6717 or shahin.emad@epa.gov.



New Air Regulations

EPA TO CHANGE PM2.5 RULE

On June 1st, the EPA granted a petition for reconsideration of the final rule titled, “Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5)”, published on May 16, 2008. In addition, EPA has administratively stayed one of the provisions to which the petitioners objected—a “grandfathering” provision for PM2.5 contained in the federal prevention of significant deterioration (PSD) program. The EPA will publish notification in the Federal Register establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. For further information contact Mr. Dan deRoeck at (919) 541-5593 or deroeck.dan@epa.gov.

TCEQ ADOPTS COMBUSTION AND INCINERATION EMISSION RULES

On April 22nd, the TCEQ adopted EPA emission guidelines including emission standards, work practice standards, and compliance schedules for incineration and combustion units. The EPA amended Title 40 Code of Federal Regulations (40 CFR) Part 60, Standards of Performance for New Stationary Sources, to include the following new subparts: Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999; Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999; and Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004. To receive delegation of these guidelines, the TCEQ must either adopt the EPA's model rules into 30 TAC or use alternative language that is as protective as the EPA rules. The rule adoption would include the content of the model rules that is contained in the emission guidelines promulgated by the EPA into TCEQ rules in Chapter 113, Subchapter D, new Divisions 3 - 5 with the administrative changes noted in the rule preamble. The EPA also requires that the TCEQ submit a corresponding FCAA, §111 (d)/129 State Plan. For more information visit <http://www.tceq.state.tx.us/rules/adopt.html>.

EPA ISSUES NEW NESHAP RULES

The EPA recently issued proposed and final NESHAP rules governing emission sources as shown in the following table:

Sources Covered	Date Issued	Rule	Description	EPA Contact
Portland Cement	5/6/09	Proposed	These proposed amendments would add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from kilns and in-line kiln/raw mills located at a major or an area source, and hydrochloric acid (HCl) from kilns and in-line kiln/raw mills located at major sources. These proposed amendments also would remove the following four provisions in the current regulation: the operating limit for the average hourly recycle rate for cement kiln dust; the requirement that cement kilns only use certain type of utility boiler fly ash; the opacity limits for kilns and clinker coolers; and the 50 parts per million volume dry (ppmvd) THC emission limit for new green field sources. EPA is also proposing standards which would apply during startup, shutdown, and operating modes for all of the current section 112 standards applicable to cement kilns. Finally, EPA is proposing performance specifications for use of mercury continuous emission monitors (CEMS), which specifications would be generally applicable and so could apply to sources from categories other than, and in addition to, portland cement, and updating recordkeeping and testing requirements.	Mr. Keith Barnett, (919) 541-5605; bar- nett.keith@epa.gov .
Area Source Standards for Paints and Allied Products Manufacturing	6/1/09	Proposed	The proposed emissions standards for new and existing sources are based on EPA's proposed determination as to what constitutes the generally available control technology or management practices (GACT) for the area source category.	Melissa Payne, (919) 541-3609; payne.melissa@epa.gov .

These NESHAPs would implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT).



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New Environmental Compliance and Water/Wastewater Regulations

EPA DELAYS SPCC RULE CHANGE DEADLINE AGAIN

On June 19th, the EPA delayed the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations promulgated in the Federal Register on December 5, 2008. The amendments will become effective on November 10, 2010. For more information contact Vanessa E. Principe at 202-564-7913 or principe.vanessa@epa.gov.

EPA ISSUES REMINDER TO FILE UPDATED RMPs

In April, the EPA sent out a warning to facilities required to submit updated risk management plans (RMPs), and noted it will soon begin issuing fines against companies that do not. RMPs contain information to prevent and respond to accidental releases of hazardous substances from facilities, and must be updated at least every five years. EPA regional offices continually identify facilities that have risk management plans in place to see which plans are overdue. The EPA now can accept these plans online at www.epa.gov/emergencies/rmp.

EPA AMENDS TRI RULE

On April 27th, the EPA amended its regulations on the eligibility criteria for submitting a Form A Certification Statement in lieu of the more detailed Form R submitted by facilities subject to TRI reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This action is being taken to comply with the "Omnibus Appropriations Act of 2009" enacted on March 11, 2009. As this action is being taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking is unnecessary, and this rule is effective immediately. Upon publication to the Federal Register, the provisions of the Toxics Release Inventory Burden Reduction Final Rule will be removed and the regulations in place prior to its implementation will be restored as described below. This final rule is effective on April 27, 2009. For further information contact Cory J. Wagner at 202-566-1555 or wagner.cory@epa.gov.

TCEQ PROPOSES HAZARDOUS WASTE RULE CHANGES

On April 6th, the TCEQ proposed rules to update 30 TAC Chapter 305 and 30 TAC Chapter 335 to include federal rule changes that are set forth in parts of RCRA Clusters XV-XVII. These rule changes will make corrections to the K-181 hazardous waste listing, make corrections to the EPA manifest form amendments that were adopted previously, remove the requirement to use EPA SW-846 methods when conducting RCRA monitoring programs, add mercury-containing equipment to the list of Universal Wastes, allow for a standardized permit for treatment, storage and disposal facilities that treat or store hazardous waste in tanks, containers and containment buildings, exempt wastewater mixtures with benzene and 2-ethoxyethanol from the definition of hazardous waste, amend hazardous air pollutant standards for combustors; amend reporting requirements for the RCRA program that will reduce the paperwork burden that these requirements impose, correct administrative errors in the hazardous waste program and excludes cathode ray tubes from the definition of solid waste. For more information visit <http://www.tceq.state.tx.us/rules/prop.html>.



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EPA APPROVES TEXAS HAZARDOUS WASTE PROGRAM CHANGES

On May 13th, the EPA authorized changes to the Texas hazardous waste program. The changes being authorized include:

1. Hazardous Air Pollutant Standards; Technical Corrections.
2. Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes.
3. Land Disposal Restrictions Phase IV--Deferral for PCBs in Soil
4. Mixture and Derived-From Rule Revisions
5. Land Disposal Restrictions Corrections
6. Change of Official EPA Mailing Address
7. Mixed and Derived-From Rules Revision II
8. Inorganic Chemical Manufacturing Waste Identification and Listing
9. Corrective Action Management Units Amendments
10. Hazardous Air Pollutant Standards for Combustors: Corrections
11. Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Waste and TCLP Use with MGP Waste
12. Hazardous Air Pollutant Standards for Combustors: Corrections 2
13. Nonwastewaters from Dyes and Pigments

This final authorization will become effective on July 13, 2009. For further information contact Alima Patterson at (214) 665-8533 or patterson.alima@epa.gov.



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