



CE Newsletter



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Offices in Dallas, and Houston

4th Quarter 2008

EPA AMENDS SPCC RULES

On December 5th, the EPA amended the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to clarify and remove items from the rule. Specifically, the EPA:

- Exempted hot-mix asphalt, pesticide application equipment and related mix containers, and heating oil containers at single-family residences from the SPCC rule;
- Amended the definition of "facility" to clarify the existing flexibility associated with describing a facility's boundaries;
- Amended the facility diagram requirement to provide additional flexibility; defined "loading/unloading rack" to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks, as well as amended the provisions for this equipment;
- Provided streamlined requirements for a subset of qualified facilities;
- Amended the general secondary containment requirement to provide more clarity; exempted non-transportation-related tank trucks from the sized secondary containment requirements;
- Amended the security requirements;

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EPA PROPOSES NEW CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY DISCHARGE RULES

On November 28th, the EPA proposed a regulation that would establish technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development (C&D) point source category. EPA's proposed regulation would establish a numeric effluent limit for turbidity in discharges from some C&D sites. EPA envisions these turbidity effluent limits as requiring an additional layer of management practices and/or treatment above what most state and local programs are currently requiring. Permitting authorities would be required to incorporate these turbidity

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EPA PROPOSES PHASEOUT EXEMPTION FOR METHYL BROMIDE

On November 28th, the EPA proposed an exemption to the phase out of methyl bromide to meet the needs of 2009 critical uses. Specifically, EPA is proposing uses that qualify for the 2009 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phaseout inventory for those uses in 2009. EPA is taking action under the authority of the Clean Air Act to reflect a recent consensus decision taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Nineteenth Meeting of the Parties. EPA is seeking comment on the list of critical uses and on EPA's determination of the amounts of methyl bromide needed to satisfy those uses. For further information visit <http://www.epa.gov/ozone/strathome.html>.

DFW MEETS 1 HR OZONE ATTAINMENT STANDARD

On October 16th, the EPA issued a determination that the Dallas/Fort Worth (DFW) 1-hour ozone nonattainment area is currently attaining the 1-hour ozone National Ambient Air Quality Standard (NAAQS). This determination is based upon certified ambient air monitoring data that show the area has monitored attainment of the 1-hour ozone NAAQS for the 2004-2006 monitoring period. In addition, quality controlled and quality assured ozone data for 2007 and 2008 that are available in the EPA Air Quality System database show this area continues to attain the 1-hour ozone NAAQS. The requirements for this area to submit an attainment demonstration or 5% Increment of Progress (IOP) plan, a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the 1-hour ozone NAAQS are suspended for so long as the area continues to attain the 1-hour ozone NAAQS. This final rule is effective on November 17, 2008. For further information contact Ms. Carrie Paige at (214) 665-6521 or paige.carrie@epa.gov.

EPA EXTENDS LOW SULFUR DIESEL TO MARINE FUELS

On October 24th, the EPA approved three revisions to the Texas State Implementation Plan (SIP). These revisions make changes to the Texas Low-Emission Diesel (TXLED) Fuel program. The revisions establish a replicable procedure for the State to approve Alternative Emission Reduction Plans (AERPs), extend the date of state approvals, and bring marine diesel fuels under the TXLED program. The revisions also refine and clarify testing requirements. This final rule is effective on November 24, 2008. For further information contact Sandra Rennie at (214) 665-7367.

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EPA PROPOSES NEW CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY DISCHARGE RULES CON'T

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limitations into their permits and permittees would be required to implement control measures to meet a numeric turbidity limit in discharges of stormwater from their C&D sites. EPA is not dictating that a specific technology be used to meet the numeric limit, but is specifying the maximum turbidity level that can be present in discharges from C&D sites. However, EPA's proposed limits are based on its assessment of what specific technologies can reliably achieve. Permittees would have the flexibility to select management practices that are best suited to site-specific conditions present on each individual C&D site if they are able to consistently meet the limits.

The proposed rule would establish a set of non-numeric effluent limitations requiring dischargers to provide and maintain effective erosion control measures, sediment control measures, and other pollution prevention measures to minimize and control the discharge of pollutants in stormwater and other wastewater from construction sites. The rule would specify particular minimum BMPs to meet the effluent limitations requiring effective erosion control and pollution prevention.

In addition, reflecting current requirements in the EPA CGP, sites disturbing 10 or more acres at one time would be required to install a sediment basin to contain and settle sediment from stormwater runoff. The proposed rule would require minimum standards of design for sediment basins; however, alternatives that control sediment discharges in a manner equivalent to sediment basins would be authorized where approved by the permitting authority.

Finally, reflecting the BAT and NSPS levels of control, for certain large sites located in areas of high rainfall energy and with soils with significant clay content, discharges of stormwater from the site would be required to meet a numeric effluent limit on the allowable level of turbidity. The numeric turbidity limit is 13 nephelometric turbidity units (NTUs). The turbidity limit is intended to remove fine-grained and slowly settling or non-settleable particles contained in stormwater. Particles such as clays and fine silts contained in stormwater discharges from C&D sites typically cannot be effectively removed by conventional stormwater BMPs (such as sediment basins and sediment traps) that rely solely on settling unless sufficient detention time or additives are implemented. The technology basis for the turbidity limit is active treatment systems (ATS), which consists of polymer-assisted clarification followed by filtration.

In addition to this proposed option, EPA is specifically soliciting comment on setting a turbidity limit in the range of 50 to 150 NTUs (or some other number) based on passive treatment, instead of ATS. See section IX.A.5.a of today's proposal for additional discussion of this alternative approach.

This proposed rule requests comment and information on the proposed regulation and an alternate option with a different numeric limit based on different technologies, as well as specific aspects of the proposal such as technologies, costs, loading reductions, and economic achievability. Comments must be received on or before February 26, 2009. FOR FURTHER INFORMATION CONTACT: For technical information concerning today's proposed rule, contact Mr. Jesse W. Pritts at 202-566-1038 or pritts.jesse@epa.gov.



EPA ADDS PHARMACEUTICAL WASTE TO UNIVERSAL WASTE RULES

On December 2nd, the EPA proposed to add hazardous pharmaceutical wastes to the Universal Waste Rule. The Universal Waste Rule, originally promulgated on May 11, 1995, modified the Resource Conservation and Recovery Act's hazardous waste regulations by establishing a set of streamlined requirements for the collection of certain widely dispersed hazardous wastes, called "universal wastes." This proposed rule would facilitate better management of pharmaceutical wastes by streamlining the generator requirements and encouraging generators of hazardous pharmaceutical wastes to manage them under the provisions of the Universal Waste Rule, which ensures that these hazardous pharmaceutical wastes are properly disposed of and treated as hazardous wastes. In addition, this proposed rule would facilitate the implementation of pharmaceutical take-back programs by removing RCRA barriers in the collection of pharmaceutical wastes from health care and other such regulated facilities, as well as facilitate the collection of pharmaceutical wastes from households, including non-hazardous pharmaceutical wastes. Comments must be received on or before February 2, 2009. For more information contact Lisa Lauer at 703-308-7418 or lauer.lisa@epa.gov.

EPA PROPOSES STANDARDS FOR CONTINUOUS MONITORING SYSTEMS

On October 9th, the EPA proposed Performance Specification 17, "Specifications and Test Procedures for Continuous Parameter Monitoring Systems at Stationary Sources" and Procedure 4, "Quality Assurance Requirements for Continuous Parameter Monitoring Systems at Stationary Sources." The proposed performance specification and quality assurance requirements establish procedures and other requirements to ensure that the systems are properly selected, installed, and placed into operation. This action also proposes minor amendments to Procedure 1 of the "Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determinations" to address continuous emissions monitoring systems that are used for monitoring multiple pollutants. Minor changes to the General Provisions for the Standards of Performance for New Stationary Sources, the National Emission Standards for Hazardous Air Pollutants, and the National Emission Standards for Hazardous Air Pollutants for Source Categories are also proposed to ensure consistency between the proposed Performance Specification 17, Procedure 4, and the General Provisions and to clarify that Performance Specification 17 and Procedure 4 apply instead of requirements that pertain specifically to continuous parameter monitoring systems. Finally, this action proposes amendments to the current national emission standards for closed vent systems, control devices and recovery systems to ensure consistency with Performance Specification 17 and Procedure 4. For further information contact Mr. Barrett Parker at (919) 541-5635 or parker.barrett@epa.gov.



EPA PROPOSES TO AMEND MEDICAL WASTE INCINERATOR RULES

On December 1st, the EPA proposed changes to the new source performance standards (NSPS) and emission guidelines (EG) for hospital/medical/infectious waste incinerators (HMIWI). This proposed action puts forward the same changes based on information received during implementation of the HMIWI NSPS and EG that were proposed in February 2007. The revised standards for new HMIWI in the 2007 proposal were based on the same technologies upon which the original 1997 final standards were based. In 2007, the EPA proposed emission limits for each air pollutant for each subcategory of new HMIWI based on the highest observed data points associated with the control technologies upon which the emission standards were based, since the EPA identified the "best controlled similar unit" as one using the relevant control technologies for each subcategory of new units. The December 2008 proposal also includes additional changes regarding requirements for NOX and SO2 emissions testing for all HMIWI, performance testing requirements for small rural HMIWI, monitoring requirements for HMIWI that install selective non-catalytic reduction (SNCR) technology to reduce NOX emissions, and procedures for test data submittal. For further information contact Ms. Mary Johnson (919) 541-5025 johnson.mary@epa.gov.

EPA AMENDS SPCC RULES CON'T

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- Amended the integrity testing requirements to allow greater flexibility in the use of industry standards;
- Amended the integrity testing requirements for containers that store animal fats or vegetable oils and meet certain criteria;
- Streamlined a number of requirements for onshore oil production facilities; and
- Exempted underground oil storage tanks at nuclear power generation facilities.

EPA is also providing clarification in the preamble to this final rule on additional issues raised by the regulated community and, in a separate action in the Federal Register of November 26, 2008, (73 FR 72016), the Agency is proposing a new compliance date for farms. This final rule is effective February 3, 2009.

EPA APPROVES TEXAS SIP NOX RULE CHANGES

On December 3rd, the EPA finalized approval of rules for the control of NOX emissions into the Texas State Implementation Plan (SIP). Texas submitted this SIP revision on May 30, 2007 and EPA proposed approval of the May 30, 2007 SIP revision on July 11, 2008. The May 30, 2007 SIP revision to the Texas SIP is a substantive and non-substantive recodification and reformatting of the NOX rules currently approved in the Texas SIP, and also includes a part of the Nitrogen Oxides (NOX) reductions needed for the Dallas/Forth Worth (DFW) area to attain the Federal 8-hour ozone National Ambient Air Quality Standard. EPA's final rulemaking covers four separate actions. First, they are approving the repeal, from the Texas SIP, of the current Chapter 117 rules that correspond to the re-codified new rules and the revised

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EPA FINALIZES RULE FOR HAZARDOUS WASTE AT ACADEMIC LABORATORIES

On December 1st, the EPA added a new subpart -- Subpart K -- to the Resource Conservation and Recovery Act (RCRA) hazardous waste generator regulatory requirements. The alternative set of regulations allows eligible academic entities the flexibility to make hazardous waste determinations in the laboratory; at an on-site central accumulation area; or at an on-site treatment, storage, or disposal facility (TSDF). Also, this rule provides incentives for eligible academic entities to clean-out old and expired chemicals that may pose unnecessary risk. Further, this rule requires the development of a Laboratory Management Plan (LMP) which is expected to result in safer laboratory practices and increased awareness of hazardous waste management. Eligible academic entities may also choose to remain subject to the pre-existing hazardous waste generator requirements. Eligible academic entities are colleges and universities, and teaching hospitals and nonprofit research institutes that are either owned by or formally affiliated with a college or university. For more information see <http://www.epa.gov/epawaste/hazard/generation/labwaste/index.html> or contact Nick Graves with Caldwell Engineering at 972-889-7200.

EPA ISSUES PREMANUFACTURE NOTICES FOR 56 CHEMICALS

On November 5th, the EPA promulgated significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 56 chemical substances which were the subject of premanufacture notices (PMNs). Four of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture, import, or process any of these 56 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. The effective date of this rule is January 5, 2009. For information contact Tracey Pennington at (202) 564-2209 or pennington.tracey@epa.gov.

EPA PROPOSES TO AMEND SPCC COMPLIANCE DATES

On November 26th, the EPA proposed to amend the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement those Plans. The Agency is also proposing to establish dates for farms to prepare or amend their Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans. EPA had delayed establishing compliance dates for farms pending revisions to the SPCC rule that would specifically address this sector. Two different extension dates are proposed for farms and production facilities that meet the qualified facilities criteria. For more information contact Vanessa Rodriguez at (202) 564-7913 rodriguez.vanessa@epa.gov.

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TCEQ TO REMOVE TRRP FROM PST PROGRAM

On November 5th, the TCEQ proposed to remove applicability of Chapter 350, Texas Risk Reduction Program, to the remediation of Leaking Petroleum Storage Tank (LPST) sites, and reinstate the applicability of Chapter 334 instead. Removal of the requirements associated with Chapter 350 with regard to remedial assessment, response and post-response actions (i.e., cleanup) related to releases from USTs and ASTs regulated under Chapter 334 may simplify the remedial process and in some cases result in cost savings for the regulated parties. For more information, refer to http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/09003350_pex.pdf.

EPA AMENDS RCRA WASTE DEFINITION FOR SECONDARY MATERIALS

On October 30th, the EPA published a final rule that revises the definition of solid waste to exclude certain hazardous secondary materials from regulation under Subtitle C of RCRA. The purpose of this final rule is to encourage safe, environmentally sound recycling and resource conservation and to respond to several court decisions concerning the definition of solid waste. There are two primary purposes of this action. One purpose is to respond to a series of seven decisions by the U.S. Court of Appeals for the DC Circuit (1987 to 2000), which, taken together, have provided EPA with additional direction regarding the proper formulation of the RCRA regulatory definition of solid wastes for purposes of Subtitle C. A second purpose is to clarify the RCRA concept of "legitimate recycling", which is a key component of EPA's approach to recycling hazardous secondary materials. EPA is revising the definition of solid waste to exclude from regulation under Subtitle C of RCRA (42 U.S.C. 6921 through 6939(e)) certain hazardous secondary materials which are being reclaimed. EPA has defined hazardous secondary materials as those which would be classified as hazardous wastes if discarded. EPA is also promulgating regulatory factors for determining when recycling is legitimate. There are three principal regulatory revisions that are finalized in this rule: (1) An exclusion for certain hazardous secondary materials legitimately reclaimed under the control of the generator within the United States or its territories; (2) a conditional exclusion for hazardous secondary materials that are transferred for the purpose of legitimate reclamation; and (3) a case-by-case non-waste determination procedure. For further information contact Marilyn Goode at (703) 308-8800 or goode.marilyn@epa.gov.

EPA EXTENDS COMPLIANCE DATE ON AEROSOL COATINGS

On November 7th, the EPA took direct final action on the National Volatile Organic Compound Emission Standards for Aerosol Coatings, which establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the Clean Air Act (CAA). In this direct final action, EPA is moving the applicability and compliance dates for aerosol coatings from January 1, 2009, to July 1, 2009. EPA is also making initial notifications required due on the compliance date, as opposed to 90 days in advance of the compliance date. For further information, contact Ms. J. Kaye Whitfield at (919) 541-2509 or whitfield.kaye@epa.gov.



CE Newsletter

TCEQ CHANGES PST REIMBURSEMENT PROGRAM

On October 8th, the TCEQ adopted rule changes that would extend the Petroleum Storage Tank reimbursement program (and related remediation and reimbursement deadlines) for eligible leaking petroleum storage tank (LPST) sites; eliminate annual registration fees for underground and aboveground storage tanks; address financial assurance requirements for underground storage tanks (USTs); incorporate UST Secondary Containment requirements for new UST systems in Federal law (The Energy Policy Act of 2005); amend certain technical standards for UST systems related to Federal requirements; and remove LPST sites from Texas Risk Reduction Program (TRRP) requirements. For more information visit <http://www.tceq.state.tx.us/rules/adopt.html>.

EPA TO CONSIDER REGULATING FORMALDEHYDE EMISSIONS FROM PRESSED WOOD PRODUCTS

On March 24, 2008, EPA received a Toxic Substances Control Act (TSCA) section 21 petition from numerous organizations and individuals concerned about risks to human health and the environment from exposure to formaldehyde in composite wood products, specifically hardwood plywood, particleboard, and medium density fiberboard. In response to that petition, EPA announced on December 3rd their decision to initiate a proceeding to investigate whether and what type of regulatory or other action might be appropriate to protect against risks posed by formaldehyde emitted from these and other pressed wood products. EPA is requesting comment, information, and data relating to formaldehyde emissions from pressed wood products. EPA also announced five public meetings that EPA has scheduled in order to obtain additional stakeholder input. Comments must be received on or before February 2, 2009. For more information contact: Cindy Wheeler (202) 566-0484 or wheeler.cindy@epa.gov.

TCEQ TO ADOPT INCINERATION AND COMBUSTION EMISSION RULES

On November 11th, the TCEQ proposed to adopt EPA emission guidelines including emission standards, work practice standards, and compliance schedules for incineration and combustion units that would protect public health by reducing exposure to air pollution. To receive delegation of these guidelines, the TCEQ must either adopt the EPA's model rules into 30 Texas Administrative Code or use alternative language that is as protective as the EPA rules. The rule proposal would include the content of the model rules that are contained in the emission guidelines promulgated by the EPA into TCEQ rules in Chapter 113, Subchapter D, Designated Facilities and Pollutants, 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/assets/public/legal/rules/rule_lib/proposals/08007113_pex.pdf.



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EPA PROMOTES CONTROL TECHNIQUE GUIDELINES FOR VOC EMISSIONS

On October 7th, the EPA issued a determination that control techniques guidelines will be substantially as effective as national regulations in reducing emissions of volatile organic compounds in ozone national ambient air quality standard nonattainment areas from the following five Group IV product categories: miscellaneous metal products coatings, plastic parts coatings, auto and light-duty truck assembly coatings, fiberglass boat manufacturing materials, and miscellaneous industrial adhesives. Based on this determination, EPA is issuing control techniques guidelines in lieu of national regulations for these product categories. These control techniques guidelines will provide guidance to States concerning EPA's recommendations for reasonably available control technology-level controls for these product categories. EPA further takes final action to list the five Group IV consumer and commercial product categories addressed in this notice pursuant to CAA Section 183(e). This final action is effective on October 7, 2008. For further information contact Ms. Kaye Whitfield at (919) 541-2509 or whitfield.kaye@epa.gov.

EPA DELAYS EMISSION TESTING CERTIFICATION RULES

On November 4th, the EPA finalized rules to stay the effectiveness of requirements for air emission testing bodies. On January 24, 2008, final amendments to regulations on competency requirements for air emission testing bodies (AETBs) were published in the Federal Register. The AETB provision generally requires stack testers and stack testing companies to meet certain minimum competency requirements described in ASTM D 7036 by January 1, 2009. On March 25, 2008, the Utility Air Regulatory Group (UARG) filed a Petition for Review primarily claiming that EPA could not by the AETB requirement hold utilities responsible for something they cannot control. While EPA is considering revisions to the requirements to address UARG's concerns, it cannot propose and complete any such revision through notice and comment rulemaking before the compliance date contained in the existing rule, thus necessitating this action. EPA needs to complete this action staying effectiveness of the AETB requirements in order to secure an extension of an Order Granting Abeyance of Further Proceedings which expires on October 29, 2008, when the Agency must file Motions to Govern Further Proceedings. For further information contact John Schakenbach (202) 343-9158 or schakenbach.john@epa.gov.

EPA APPROVES TEXAS SIP NOX RULE CHANGES CON'T

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and reformatted rules because the reformatted revision will better accommodate future additions/revisions to the rules. Second, they are approving revisions to the Texas SIP that add new controls for the DFW major NOX point sources. The EPA is not, however, taking action on the Texas rules for cement plants in this document. EPA proposed approval of the rules for cement plants in a separate Federal Register document. Third, they are approving revisions to the Texas SIP that add new controls for DFW minor NOX sources. Fourth, EPA is approving revisions to the Texas SIP that add new controls for combustion sources in East Texas. These NOX reductions will assist the DFW area to attain the 8-hour ozone NAAQS. We are approving all of these actions as meeting the requirements of section 110 and part D of the Federal Clean Air Act (the Act). This rule will be effective on January 2, 2009. For further information contact Mr. Alan Shar at (214) 665-6691 or shar.alan@epa.gov.



CE Newsletter

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	Proposed/ Final	Description	EPA Contact
Halogenated Solvent Cleaning	12/3/2008	Comment period extension	The EPA announced an extension of the public comment period on the proposed response to a Petition for Reconsideration regarding a final rule they issued under Section 112(f)(2) and 112(d)(6) of the Clean Air Act related to national emission standards for halogenated solvent cleaning. EPA is extending the comment period that would end on December 4, 2008, to February 4, 2009.	Mr. H. Lynn Dail, (919) 541-2363; dail.lynn@epa.gov .
Electric Arc Furnace Steelmaking	12/1/2008	Final	The amendments to the area source standards for EAF steelmaking facilities clarify applicability of the opacity limit, make the performance test requirements for particulate matter consistent with requirements in the new source performance standards for EAF steelmaking facilities, allow title V test data to be used to demonstrate compliance, and revise the definition of "scrap provider" to include EAF steelmaking facilities that own and operate a scrap shredder. This final rule is effective on March 2, 2009 without further notice	Mr. Phil Mulrine, (919) 541-5289; mulrine.phil@epa.gov .
Petroleum Refineries	11/10/2008		EPA's action supplements the proposed amendments to the national emission standards for petroleum refineries (Refinery MACT 1) published on September 4, 2007. The 2007 proposal, in part, sets forth proposed maximum achievable control technology and residual risk requirements for cooling towers and proposed residual risk and technology review requirements for storage tanks. This supplemental proposal contains new proposed requirements for cooling towers, a new option for storage vessels, and clarifications and corrections to definitions, tables, and regulatory citations.	Mr. Robert Lucas, (919) 541-0884; lucas.bob@epa.gov .
Halogenated Solvent Cleaning	10/20/2008	Notice of Reconsideration	On May 3, 2007, EPA promulgated the final Halogenated Solvent Cleaning rule which set facility-wide emission limits for certain halogenated solvent cleaning machines and a May 3, 2010, compliance deadline. Following promulgation of the Halogenated Solvent Cleaning rule, the EPA received several petitions for reconsideration. On October 20 th , the EPA requested comment on a revised risk assessment, their use of the 2002 National Emissions Inventory data in lieu of the 1999 National Emissions Inventory data, and the compliance deadline.	Mr. H. Lynn Dail, (919) 541-2363; dail.lynn@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).



CE Newsletter

EPA ISSUES NEW NESHAP RULES CONT

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

Sources Covered	Date Issued	Proposed/ Final	Description	EPA Contact
Hazardous Waste Combustors	10/28/2008	Final	On October 12, 2005, EPA promulgated NESHAP for new and existing sources at hazardous waste combustion facilities (the final rule). Subsequently, the EPA received four petitions for reconsideration of the final rule. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. After evaluating public comments submitted in response to these reconsideration notices, the EPA is taking final action regarding the eight issues raised in the petitions for reconsideration. As a result of this reconsideration process, the EPA is revising the new source standard for particulate matter for cement kilns and for incinerators that burn hazardous waste. The EPA is also making amendments to the particulate matter detection system provisions and revisions to the health-based compliance alternative for total chlorine of the final rule.	Frank Behan (703) 308-8476, behan.frank@epa.gov
Group I Polymers and Resins	10/10/2008	Proposed	This proposed action requests public comment on the residual risk and technology reviews for nine industrial source categories regulated by five national emission standards for hazardous air pollutants. The underlying national emission standards that are under review in this action limit and control hazardous air pollutants. (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Vessel Loading Operations; Mineral Wool Production; Pharmaceuticals Production; and Printing and Publishing Industry	Ms. Mary Tom Kissell, (919) 541-4516; kissell.mary@epa.gov
Chemical Manufacturing Area Sources	10/6/2008	Proposed	Nine area source categories in the chemical manufacturing sector are covered: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. The proposed standards and associated requirements for the nine area source categories are combined in one subpart. EPA is co-proposing an alternative to the requirements for process vents emitting metal hazardous air pollutants. The alternative would set a higher size threshold for large metal hazardous air pollutant process vents.	Mr. Randy McDonald (919) 541-5402; mcdonald.randy@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).



CE Newsletter

Offices in Dallas, and Houston

We at Caldwell Engineering want to take this opportunity to thank you for your support during the past year. 2008 was another good year for CE and we sincerely appreciate your business. We hope that everyone has a safe holiday and we look forward to working with you on projects in 2009.

**Thank You and Have
a Wonderful Holiday
Season!**



CALDWELL ENGINEERING, INC.
ENVIRONMENTAL CONSULTANTS

Dallas, Houston

P.O. Box 851325
Richardson, TX 75085
(972) 889-7200