

## Recent Developments

### Information about Environmental Issues

#### April 2015

#### U.S. ENVIRONMENTAL PROTECTION AGENCY ("EPA") RECENT RULEMAKING ACTIVITIES:

##### Air:

1. [80 Fed. Reg. 19454](#) (April 10, 2015). *Protection of Stratospheric Ozone: Refrigerant Substitutes*. EPA has finalized a rule under its Significant New Alternatives Policy program that lists five flammable refrigerants (HFC-32, ethane, isobutane, propane, and R-441A) as acceptable substitutes, subject to use conditions, in several end-uses that include household refrigerators and freezers; stand-alone retail food refrigeration equipment; very low temperature refrigeration; non-mechanical heat transfer; vending machines; and room air conditioning units. The effective date of this rule is May 11, 2015.

2. [80 Fed. Reg. 24218](#) (April 30, 2015). *Mercury and Air Toxics Standards ("MATS") and Utility New Source Performance Standards ("NSPS")*. On April 30, 2015, EPA published notice of its final decision to deny petitions for reconsideration of the MATS and Utility NSPS for electric generating units. Challenges to EPA's denial of the petitions for reconsideration must be filed in the U.S. Court of Appeals for the D.C. Circuit by June 29, 2015.

##### State Implementation Plan ("SIP"): Texas:

3. [80 Fed. Reg. 23487](#) (April 28, 2015). *Dallas/Fort Worth ("DFW") Ozone SIP*. EPA has proposed to disapprove revisions to the Texas SIP for the DFW nonattainment area under the 1997 8-hour ozone standard. The proposal includes a determination that the DFW 8-hour ozone nonattainment area is currently attaining the 1997 ozone National Ambient Air Quality Standard ("NAAQS"), based upon certified ambient air monitoring data showing that the area has monitored attainment of the 1997 ozone NAAQS for the 2012-2014 monitoring period. Comments on this proposal must be received by EPA on or before May 28, 2015.

4. [80 Fed. Reg. 24213](#); [80 Fed. Reg. 24227](#) (April 30, 2015). *Texas SIP: Stage I Regulations*. This Direct Final Rule approves revisions to the Texas SIP pertaining to Stage I regulations at 30 T.A.C. Chapter 115, Subchapter A (*Definitions*) and Subchapter C, Division 2 (*Filling of Gasoline Storage Vessels (Stage 1) for Motor Vehicle Fuel Dispensing Facilities*). Unless EPA receive adverse comments on the proposal, published concurrently, by June 1, 2015, this Direct Final Rule will become effective on June 29, 2015.

Fuels:

5. [80 Fed. Reg. 18136](#); [80 Fed. Reg. 18179](#) (April 3, 2015). *Regulation of Fuels and Fuel Additives*. EPA has published a Direct Final Rule to clarify its regulations related to the data sources used to establish the cellulosic waiver credit (“CWC”) price. In addition, the rule removes references to CWC prices from the renewable fuel standard regulations, as EPA intends to post these prices on its website. Although this rule indicates what the CWC prices for 2014 and 2015 would be using the data sources and methodology contained in the rule, these prices will not be established until posted on EPA’s website. Unless EPA receives adverse written comment on the proposal, published concurrently, this rule will become effective on June 2, 2015.

Waste:

6. [80 Fed. Reg. 1830](#) (April 6, 2015). *Toxic Substances Control Act (“TSCA”): Reporting and Recordkeeping Requirements*. This Proposed Rule would require persons that manufacture or process, or intend to manufacture or process, certain chemical substances when they are manufactured or processed at the nanoscale, to electronically report certain information to EPA. This information would include the specific chemical identity, production volume, methods of manufacture and processing, exposure and release information, and existing data concerning environmental and health effects. The proposal includes one-time reporting for existing nanoscale materials and one-time reporting for new discrete nanoscale materials before they are manufactured or processed. Comments on this Proposed Rule should be submitted to EPA on or before July 6, 2015.

7. [80 Fed. Reg. 18777](#) (April 8, 2015). *Comparable Fuels Rule and Gasification Rule*. Following EPA’s promulgation of the Comparable Fuels Exclusion Rule in 1998, environmental petitioners challenged the rule and the U.S. Court of Appeals for the D.C. Circuit vacated the rule on June 27, 2014. In response to the Court’s vacatur, EPA published a Final Rule removing its regulations associated with the comparable fuels and gasification exclusions from its list of exclusions under subtitle C of the Resource Conservation and Recovery Act (“RCRA”). The effective date of this Final Rule is April 8, 2015.

8. [80 Fed. Reg. 19037](#) (April 9, 2015). *Significant New Use Rules (“SNURs”)*. EPA has proposed to amend the SNURs under section 5(a)(2) of TSCA for 24 chemical substances that were the subject of premanufacture notices by allowing certain uses without requiring a significant new use notice (“SNUN”), and would extend SNUN requirements to certain additional uses. Comments on this Proposed Rule must be received by EPA on or before May 11, 2015.

9. [80 Fed. Reg. 21302](#) (April 17, 2015). *Coal Combustion Residuals (“CCR”) from Electric Utilities*. This Final Rule, effective October 14, 2015, classifies CCR as nonhazardous solid waste under RCRA subtitle D, and establishes nationally applicable minimum criteria for the disposal of CCR in landfills and surface impoundments.

10. [80 Fed. Reg. 23402](#) (April 27, 2015). *Sewage Sludge Incineration (“SSI”) Units*. EPA has proposed Federal Plan requirements that would apply to the owner or operator of an affected SSI unit if the unit is not covered by an approved and effective state plan as of March 21, 2012. Under this proposal, the Federal Plan would cover SSI units until EPA approves a state plan that covers SSI units and that plan becomes effective. If the construction of an SSI unit began on or before October 14, 2010, it would be considered an existing SSI unit and could be subject to the Federal Plan; if the construction of an SSI unit began after October 14, 2010, or modification began after September 21, 2011, it would be considered a new SSI and would be subject to the NSPS. EPA will accept comments on this Proposed Rule until June 11, 2015.

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11. [80 Fed. Reg. 24220](#), [80 Fed. Reg. 24228](#) (April 30, 2015). *SSI Units*. In a related action, EPA published a Direct Final Rule approving negative declarations for the states of Texas, Oklahoma, Arkansas, New Mexico, and the City of Albuquerque, New Mexico for existing SSI units. These negative declarations certify that existing SSI units subject to the requirements of sections 111(d) and 129 of the federal Clean Air Act to not exist within the jurisdictions of Albuquerque and these states. Unless EPA receives adverse comment to the Proposed Rule, published concurrently, by June 1, 2015, the effective date of this Direct Final Rule will become effective on June 29, 2015.

### Water:

12. [80 Fed. Reg. 18557](#) (April 7, 2015). *Oil and Gas Extraction Point Source Category*. EPA has proposed rulemaking that would establish pretreatment standards to prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas extraction facilities to publicly owned treatment works. EPA must receive comments on this proposal on or before June 8, 2015.

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ")

There were no proposed/adopted rules published by the TCEQ during the month of April.

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## ALSO OF INTEREST

**Greenhouse Gas Inventory.** EPA's [20<sup>th</sup> Inventory of U.S. Greenhouse Gas Emissions and Sinks](#) has been released. This report shows a 2% increase in greenhouse gas emissions in 2013 from 2012 levels, but a 9% drop in emissions since 2005.

**Draft EJ 2020 Action Agenda Framework.** EPA is accepting public comment on the framework for its draft [EJ 2020 Action Agenda](#), which is EPA's strategy to advance environmental justice through its programs, policies and activities. Comments will be accepted through June 15, 2015.

**Draft Scientific Assessment on Climate Change.** The U.S. Global Change Research Program has announced the availability of its [Draft Impacts of Climate Change on Human Health in the United States: A Scientific Assessment](#), comments on which may be submitted until June 8, 2015.

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## **UPCOMING CONFERENCES, MEETINGS, and WORKSHOPS**

**TCEQ Work Session.** The next Commissioners' Work Session is scheduled to be held in Austin on August 28, 2015.

**TCEQ Public Drinking Water Conference 2015.** TCEQ has scheduled its [Public Drinking Water Conference](#), which provides information and tools for public water systems and utilities, for August 11-12, 2015 in Austin, Texas.

**TCEQ Water Quality/Stormwater Seminar.** This TCEQ [seminar](#), to be held in Austin on September 23-24, 2015, will provide updates on permitting rules and upcoming regulations.

**Pollution Prevention Waste Management Workshop.** TCEQ staff will host a one-day [Pollution Prevention Waste Management workshop](#) in Austin on September 30, 2015. The workshop will include discussions on toxic release inventories and hazardous waste management. Early registration will open in July 2015.

**TCEQ Advanced Air Permitting Seminar.** The TCEQ's [2015 Advanced Air Permitting Seminar](#) will be held in Austin on October 28-29, 2015.

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**CONTACT INFORMATION**

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