

Recent Developments

Information about Environmental Issues

October 2014

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

Air:

1. [79 Fed. Reg. 60238](#) (Oct. 6, 2014). *National Emission Standards for Hazardous Air Pollutants ("NESHAP"): Ferroalloys Production*. EPA has published a Supplemental Notice of Proposed Rulemaking related to its [proposed amendments](#) to the NESHAP for the Ferroalloys Production source category. This Supplemental Notice proposes revisions to the standards based on revised technology and residual risk reviews. Comments on the proposed rulemaking must be received by EPA on or before November 20, 2014.

2. [79 Fed. Reg. 60898](#) (Oct. 8, 2014). *NESHAP: Amino/Phenolic Resins*. EPA has finalized the residual risk and technology review for the Acrylic and Modacrylic Fibers Production, Amino/Phenolic Resins Production and Polycarbonate Production source categories regulated under the NESHAP. The Final Rule, effective October 8, 2014, addresses emissions during periods of startup, shutdown and malfunction, and includes standards for hazardous air pollutant emission points that previously were unregulated. In addition, the rule clarifies provisions related to open-ended valves and lines, adds monitoring requirements for pressure relief devices, and adds requirements for electronic reporting of performance test results.

3. [79 Fed. Reg. 62863](#) (Oct. 21, 2014). *Significant New Alternatives Policy ("SNAP") Program*. In a Determination of Acceptability, EPA has identified the following additional substitutes for use in the refrigeration and air conditioning, foam blowing, and fire suppression and explosion protection sectors under EPA's SNAP Program; *trans*-1-chloro-3,3,3-trifluoroprop-1-ene in non-mechanical heat transfer and in flexible polyurethane foams; carbon dioxide ("CO₂") in refrigerated transport; R-450A in a variety of refrigeration and air conditioning end-uses; methylal and hydrofluoroolefin-1336mzz(Z) in a variety of foam blowing end-uses; and Powdered Aerosol D in the total flooding end-use. This Determination of Acceptability is effective October 21, 2014.

4. [79 Fed. Reg. 63750](#) (Oct. 24, 2014). *Greenhouse Gas ("GHG") Reporting*. EPA has added new verification, recordkeeping and reporting requirements to the GHG Reporting Program in lieu of collecting certain data elements for which the EPA has identified disclosure concerns and for which the reporting deadline was deferred until March 31, 2015. The effective date of this rulemaking action is November 24, 2014.

5. [79 Fed. Reg. 64254](#) (Oct. 28, 2014). *Production of Hydrochlorofluorocarbons ("HCFC")*. This Final Rule, effective January 1, 2015, adjusts the allowance system for the consumption and production of HCFC-22, HCFC-142b, HCFC-123, and HCFC-124 for 2015-2019. In addition, the rule makes minor changes to the reclamation regulations and finalizes a *de minimis* exemption to the use restrictions for certain uses of HCFC-225ca/cb and HCFC-124.

Waste:

6. [79 Fed. Reg. 60087 \(Oct. 6, 2014\)](#). *All Appropriate Inquiries*. This Final Rule, effective October 6, 2015, removes all references to the 2005 ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, for conducting “all appropriate inquiries” under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”). Parties conducting all appropriate inquiries under CERCLA must now follow the standards and procedures set forth in new ASTM Standard E1527-13 or as set forth in 40 CFR part 213.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ")

There were no rulemakings published by the TCEQ during the month of October.

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ALSO OF INTEREST

EPA Guidance on Quantitative Data. EPA has released [Guidance for Applying Quantitative Data to Develop Data-Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation](#), which sets out the methods for calculating factors that compensate for the application of animal toxicity data to humans (interspecies) and for compensating for sensitive populations (intraspecies).

Carbon Pollution Emission Guidelines. In response to issues raised by stakeholders to its [Proposed Rule, Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units](#), EPA has provided additional information on the following topic areas: (1) emission reduction compliance trajectories created by the interim goal for 2020-2029; (2) certain aspects of the building block methodology; and (3) the method of calculating state-specific CO₂ goals. EPA will accept comments on this additional information until December 1, 2014.

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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 January 23, 2015.

2014 Central Texas Environmental Summit. The [Central Texas Environmental Summit](#), sponsored by the TCEQ, will be held on December 8, 2014 in Bastrop, Texas. The purpose of the Summit is to discuss solutions to environmental issues in Central Texas.

TCEQ Environmental Trade Fair. Next year’s Environmental Trade Fair will be held in Austin on May 5-6, 2015.

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CONTACT INFORMATION

For copies of any information referenced in this newsletter, please contact Jan Williamson at 512.322.2563, or by e-mail at jan.williamson@bakerbotts.com. Questions you may have regarding these or any other matters may be directed to any of the attorneys in our environmental section. For your convenience, their names and telephone numbers are listed below:

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