



# Westward Environmental, Inc.

“Solutions for the Preservation of Industry and Environment ”

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Issue 10

## TXR05 Update

The Multi Sector General Permit (MSGP), TPDES General Permit TXR050000, for discharges of storm water from industrial operations, including quarries, concrete batch plants, and hot mix asphalt plants, will expire on August 20, 2006. The TCEQ published the proposed MSGP and “fact sheet” on April 14, 2006. These documents are available for review on the TCEQ website. Written comments may be submitted to the TCEQ Office of the Chief Clerk. Also, TCEQ will hold a public meeting to receive verbal comments at 2:00 p.m. on May 19<sup>th</sup>. The public comment period will end at the close of the public meeting on May 19<sup>th</sup>.

**If your facility requires authorization (or re-authorization) under the renewal permit, you must wait until the permit is issued before you submit a new NOI. An NOI received prior to issuance of the renewal permit will be processed as an authorization under the existing permit, and that authorization will expire on August 20, 2006.**

If the renewal permit has not been issued before the existing permit’s expiration date, existing permit holders have provisional authorization to continue discharges until the new TXR050000 permit is available. Upon issuance, your facility will have 90 days to submit a new, hard copy notice of intent (NOI) to discharge or 120 days to submit an electronic NOI. After you submit the NOI, the TCEQ will issue you a new permit number.

New facilities (those facilities wishing to begin operations after August 20, 2006) MAY NOT discharge storm water until the renewal permit is issued and a NOI has been submitted to TCEQ! Your only option is to have an individual TPDES permit to discharge storm water. Obtaining an individual permit can take up to 360 days!

Westward Environmental, Inc. has prepared comments on the proposed MSGP. These comments and information on the proposed changes to the Permit can be made available to you and your facility by contacting Julie Morelli through e-mail at [jmorelli@westwardenv.com](mailto:jmorelli@westwardenv.com) or by telephone at 830-249-8284.

## FIELD CITATION PILOT PROGRAM

The TCEQ has developed a field citation pilot program.

**The TCEQ began implementing this pilot program statewide on March 13, 2006.**

Now when the TCEQ conducts an investigation at your facility, the investigator may cite certain clear-cut violations on a form and hand it to you on the spot. The pilot field citation is intended to promote a quick resolution for any of nine specific violations documented during a TCEQ investigation, while offering a reduced penalty as compared to a penalty calculated through the traditional enforcement process.

**The pilot program covers violations regarding:**

- Petroleum storage tanks
- Stage I and II vapor recovery
- Storm water (industrial), and
- Occupation certification

This pilot program is one of the recommendations resulting from the TCEQ’s enforcement process review. The pilot program was approved by the TCEQ commissioners on Dec. 2, 2005.

**Questions?** Call 512/239-1683, or e-mail [oce@tceq.state.tx.us](mailto:oce@tceq.state.tx.us)

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## EPA REVOKES ONE-HOUR OZONE STANDARD

The Federal Clean Air Act (FCAA) is the federal law passed in 1970, and amended in 1990, as part of the national effort to control air pollution. It identified six “criteria pollutants” that can injure health, harm the environment, and cause property damage. Those pollutants are: carbon monoxide (CO), lead (Pb), nitrogen oxides (NOx), particulate matter less than or equal to ten microns in diameter (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and ozone. The FCAA requires that local metropolitan areas be evaluated to determine if they meet National Ambient Air Quality Standards (NAAQS) for these pollutants. If an area fails to meet the NAAQS for one or more of the pollutants, it is called a “nonattainment” area. The Environmental Protection Agency (EPA) then classifies nonattainment areas based on the severity of their air quality problem.

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## Dig A Little Deeper Into the World of Minerals

This is the first article in a series that looks a little deeper into the intriguing world of minerals and their role in our everyday lives. We have all wondered a time or two how things work or what they are made of. Life as we know it can not exist without rocks and minerals. Sound surprising? Think of it this way:

### *“If It Can’t Be Grown, It Has To Be Mined”*

Having said that, lets start with the most important item of all – ourselves. According to the Minerals Information Institute (MII,) from which this information was borrowed, the human body will use about 3,500,000 pounds of minerals, metals and fuels in a lifetime. How can that be possible?

Well for starters, the average car weighs 2,000 – 3,000 pounds and is comprised of at least 38 different metals and minerals. Not to mention the fuels and oils necessary for the car to run. No fewer than 33 different elements and minerals go into a computer. Everything from silica that goes into glass screen to copper for the wiring to bromine for flame retardant plastics. You will probably consume several thousand pounds of salt, a.k.a. sodium, in foods, preservatives and toothpaste. I don’t know about you but the last time I was at the store, I did not see any copper or silica seeds anywhere.

Your house contains more than 250,000 pounds of metals, minerals and wood products that comprise everything from the foundation to the window to the front porch light. Without these natural resources, you would probably be living in a cave, log cabin or teepee.

Remember:

### *“If It Can’t Be Grown, It Has To Be Mined”*

While turning out the last light before going to bed, think about what things are made of. I am sure you will see that natural resources and mining play a very important role in our everyday lives.

By Michelle M. Lee, P.G.  
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## EPA REVOKES.....

In 1971, the EPA originally established a 1-hour NAAQS for ozone of 0.08 parts per million (ppm). But as a result of a review of new health effects data and national public comments, the EPA revised the 1-hour standard to 0.12 ppm in 1979. However, this level was still not considered to be sufficient to protect the public health and welfare. So in July 1997, the 1-hour standard was replaced with an 8-hour standard of 0.08 ppm. This ‘tougher’ 8-hour standard was based on scientific studies demonstrating that ozone causes adverse health effects at lower concentrations and over longer exposure times. The new 8-hour standard was intended to replace the 1-hour standard, but numerous legal issues have hindered the enforcement process. However, the EPA eventually revoked the 1-hour standard on June 15, 2005. As a result, new permit or amendment applications need not include a 1-hour ozone analysis. But all projects approved under the 1-hour standard remain subject to the requirements in effect at the time the permit was issued.

### HOW DOES THIS AFFECT TEXAS?

The following five areas in Texas are now classified as nonattainment for one or more criteria air pollutants: Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), Beaumont-Port Arthur (BPA), El Paso (EP), and San Antonio (SA). The DFW area now includes: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties. The HGB area includes: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. The BPA area includes: Hardin, Jefferson, and Orange counties. The EP area includes only El Paso county. The new SA area includes: Bexar, Comal, and Guadalupe counties.

The 8-hour ozone nonattainment areas are DFW (moderate), HGB (moderate), BPA (marginal), and SA (basic/deferred). These areas now have a major source threshold for ozone precursors (which are VOCs and NOx) of 100 tons per year (TPY). Also, the EP area is now considered to be in attainment for ozone.

The CO nonattainment area is EP (moderate) and has a major source threshold of 100 TPY. The PM<sub>10</sub> nonattainment area is EP (moderate) and has a major source threshold of 100 TPY.

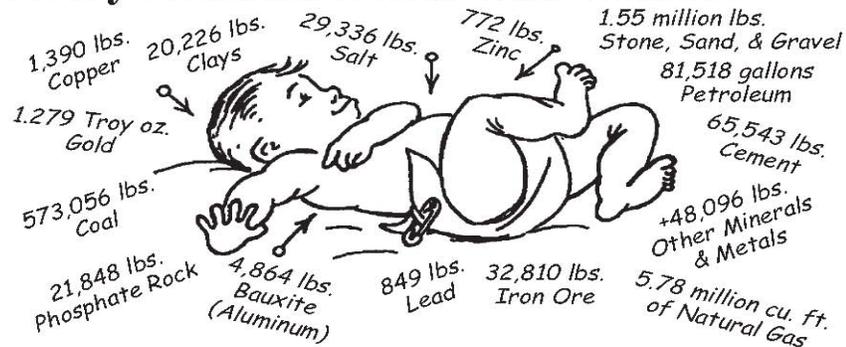
### HOW DOES THIS AFFECT ME?

In Texas, whether in attainment or not, the current major source threshold for all counties is 100 TPY of any regulated air pollutant. If your site has the potential to emit 100 TPY or more of any regulated air pollutant, then the Title V Federal Operating Permit requirements are triggered and the Prevention of Significant Deterioration (PSD) Review may apply as well.

Basically, all of the former nonattainment major source thresholds have all been replaced by the new 100 TPY requirement. For example, if you have an asphalt plant located in Houston which was previously held to 25 TPY of VOCs, you may now be able to submit a permit amendment to increase your production, increase your operating hours, or even authorize the production of cold mix as long as your emissions remain below 100 TPY of any regulated air pollutant.

However, please keep in mind that any site in ozone nonattainment must submit an annual emissions inventory: if they emit 10 TPY of VOCs, if they emit 25 TPY of NOx, if they have the potential to emit 10 TPY of any single hazardous air pollutant (HAP), if they have the potential to emit 25 TPY of all HAPs combined, OR if they have the potential to emit 100 TPY of any air pollutant.

## Every American Born Will Need . . .



3.5 million pounds of minerals, metals, and fuels in a lifetime

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## A New Model

By David Knollhoff

This brief article is a follow up of the previous article from Newsletter #9 titled *The Probability for Weather*. The Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) often require air dispersion modeling to demonstrate that predicted concentrations of air constituents (i.e., PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>2</sub>, CO, etc.) emitted from a permanent or portable production plant (i.e., hot mix asphalt plant, concrete batch plant, rock crushing plant, etc.) meet federal and state air standards.

The Environmental Protection Agency (EPA) has promulgated a new air dispersion model. The new model - AERMOD (American Meteorological Society/EPA Regulatory Model) - is replacing the current model - ISC3 (Industrial Source Complex 3) - for the regulatory application of air quality models. AERMOD became official on December 9, 2005. However, the ISC3 model can be used to demonstrate compliance with federal and state air quality standards through December 8, 2006 when the transition to AERMOD is complete. Beginning December 9, 2006, AERMOD must be used except for special cases where ISC3 might be retained for selected state modeling demonstrations. During this transition period it is imperative that industry representatives conducting or planning to conduct modeling demonstrations remain in contact with the air permit reviewing authorities to determine appropriate modeling strategies.

At Westward Environmental, Inc. we will complete your air permit application and perform any air dispersion modeling required for an air permit.

This newsletter article on AERMOD will be followed by an upcoming article related to the details of the new model and how the new components of the new model will affect an air dispersion modeling demonstration. Please stay tuned and send comments or questions to [dknollhoff@westwardenv.com](mailto:dknollhoff@westwardenv.com).

## What's new with the Spill Prevention Control and Countermeasures (SPCC) Rules (40 CFR §112)

EPA has trained its regional inspectors and began sending them out into the regulated community beginning in December 2005. Inspectors are charged with investigating facilities that use or store oil in quantities of 1,320 gallons or more for compliance with the oil pollution prevention requirements established in 40 CFR Part 112 also known as the SPCC rule. Partially to counter the confusion about which version of the rules and which set of policy guidelines are currently being enforced, and in an effort to provide inspectors with a method to perform consistent inspections, EPA released the *SPCC Guidance for Regional Inspectors to the public and regulated community on December 2, 2005*.

The *Guidance* document is the tool that regional inspectors are using to review a facility's implementation of the SPCC rule. It details such topics as who the rule applies to, what is equivalent environmental protection, what types of oil-bearing units require secondary containment and what constitutes a valid impracticability determination. Additionally, the guidance document discusses the role of industry standards in determining an acceptable strategy for tank inspections and integrity testing. EPA wants to ensure that facilities have SPCC Plans that are written in accordance with good engineering standards and in accordance with industry standards.

So, what does this mean to you? If you are subject to the rule and do not have (or are not following) a professionally engineered SPCC plan developed specifically for your facility, EPA could issue an administrative penalty of up to \$125,000 per violation, per day. Your Plan should be certified by a professional engineer, have been written after July 2002, and accurately reflect current oil use, storage, and spill prevention and response procedures for your site. Your facility should be equipped with secondary containment for above ground storage tanks (ASTs). Your facility should have a regular inspection schedule and documentation of findings and corrective actions for each bulk storage container of oil. Your facility should have security measures and lighting sufficient to protect oil storage and use and to identify a spill or leak any time of day or night. Your employees should be receiving annual training on proper spill prevention, control, and countermeasures procedures, including recordkeeping and notification requirements.

On December 2, 2005, EPA signed two proposed amendments to the Spill Prevention, Control, and Countermeasure (SPCC) Rule. The first amendment proposes to streamline the regulatory requirements, including:

- Providing an option for facilities that store less than 10,000 gallons of oil and meet other qualifying requirements to self-certify their SPCC plans, in lieu of review and certification by a Professional Engineer;
- Providing an alternative to the secondary containment requirements, without requiring a determination of impracticability, for facilities that have certain types of oil-filled equipment;
- Defining and providing an exemption for motive power containers;
- Providing exemptions for airport mobile refuelers from the specifically sized secondary containment requirements for bulk storage containers;
- Removing and reserving certain SPCC requirements for animal fats and vegetable oils and proposes a separate extension of the compliance dates for farms.

The second amendment to extend the implementation dates in 40 CFR 112.3(a) and (b) by which a facility must prepare or amend and implement its SPCC Plan was made final on February 17, 2006. As a result of this rule amendment, a facility that was in operation on or before August 16, 2002 will have to make any necessary changes to its SPCC Plan, and implement that Plan, or before October 31, 2007. In addition, a facility that came into operation after August 16, 2002 will have to prepare and implement an SPCC Plan on or before October 31, 2007. Mobile facilities must prepare or amend and implement an SPCC Plan on or before October 31, 2007.

Be aware, if your facility was in operation on or before August 16, 2002 and you use or store over 1,320 gallons of oil, there is no excuse for not having and implementing an SPCC Plan! EPA will issue fines against your facility for every day out of compliance.

Get in touch with us: we can help! [jmorelli@westwardenv.com](mailto:jmorelli@westwardenv.com)

### DATES TO REMEMBER

- May 9-11** TCEQ Environmental Trade Fair and Conference, Austin [www.tceq.state.tx.us](http://www.tceq.state.tx.us)  
**June 14-17** TACA Annual Meeting in New Mexico [www.tx-taca.org](http://www.tx-taca.org)

### **QUESTIONS TO ASK YOURSELF:**

- When is your SWP3 Annual Compliance Evaluation Due?
- MSHA facilities, when is your Earth Resistance Test Due?
- Is your annual refresher training current?

*If you need help with any of the above items,  
please contact Westward Environmental, Inc.*

## **A Balance of the Environment and Industry**

**[www.westwardenv.com](http://www.westwardenv.com)**

### **Summary of Services**

- Air, Water & Groundwater Permitting
- Stormwater Permits and Plans (SWP3)
- Waste Water Discharge Permitting
- Water Resource Management
- Visible Emissions Testing
- Phase I/II Environmental Site Assessments
- Spill Prevention Control and Countermeasures Plans (SPCC)
- Facility Specific Overall Compliance Programs & Audits
- Endangered Species and Wetland Programs/Surveys
- Geologic Surveys and Reserves Analysis
- Mine Plan Development
- Quarry Plans
- Mold Surveys
- Safety, Health, and Environmental Training Programs
- Employee Exposure Monitoring

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*April 2006*  
**Westward Environmental, Inc.**  
*Celebrating*  
**10 YEAR ANNIVERSARY**  
*Thank You for Your Business!*