

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us

#1 888.777.4310
www.beath.us
 Legend: new compliance date
 Legend: active comment period

Deadlines				Jun-2021						
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline		01	02	03	04	05	06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20
				21	22	23	24	25	26	27
				28	29	30				

Regulation Activity

Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)	https://www.epa.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose+Date+Range		

Media/Field	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s) - Arranged By Due Date
Air	EPA	Addition of 1-Bromopropane to Clean Air Act Section 112 HAP List	40 CFR 63	86 FR 31225	Link	Proposed Rule	Having previously granted a public petition to add 1-bromopropane (1-BP) to the list of hazardous air pollutants (HAP) under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) is soliciting information that will aid in addressing the impacts of the regulatory action. This is the first time that a substance will be added to the HAP list since the initial list was established by the 1990 CAA Amendments. The addition of 1-BP to the HAP list could have immediate regulatory compliance impacts to facilities that emit 1-BP. The EPA is soliciting data and information on 1-BP usage, emission controls, and costs to inform the process to address the implementation of the upcoming listing action and to ensure that the regulatory infrastructure is in place to effectively and efficiently control the emissions of 1-BP. The EPA is not soliciting comments on the decision that granted petitions to list 1-BP as a HAP and has not reopened that decision for comments.	Comment period ends July 26, 2021
Air	EPA	Intended Air Quality Designations for 2015 Ozone National Ambient Air Quality Standards; Response to the July 10, 2020, Court Decision Addressing El Paso, Texas and Weld County, Colorado: Notification of Availability and Public Comment Period	40 CFR 81	86 FR 31460	Link	Proposed Rule	This notification is hereby given that the Environmental Protection Agency (EPA or Agency) has posted on our public electronic docket and internet website revised responses to certain state designation recommendations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) (2015 Ozone NAAQS). These responses include our intended designations for El Paso County, Texas (associated with the previously designated DoIntildeja Ana County, New Mexico nonattainment area) and Weld County, Colorado (associated with the Denver Metro/North Front Range, Colorado nonattainment area). The EPA invites the public to review and provide input on our intended designations during the comment period specified in the DATES section. The EPA sent its revised responses directly to the states of Texas and Colorado on or about May 24, 2021. The EPA intends to make final designation determinations for the counties addressed by these responses no earlier than 120 days from the date the EPA notified the states of the Agency's intended designations.	Notification of availability and public comment period. Comment period ends July 14, 2021
Oil/Gas	EPA	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	40 CFR 60	86 FR 5013		Final Rule	The U.S. EPA is finalizing amendments to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. We are finalizing specific amendments that would allow owners or operators of storage vessels subject to the Standards of Performance for Volatile Organic Liquid Storage Vessels and equipped with either an external floating roof or internal floating roof to voluntarily elect to comply with the requirements specified in the National Emission Standards for Storage Vessels (Tanks)-Control Level 2, in lieu of the requirements specified in the Standards of Performance for Volatile Organic Liquid Storage Vessels, subject to certain caveats and exceptions for monitoring, recordkeeping, and reporting.	Effective January 19, 2021
Air	EPA	Air Plan Approval; Texas; Interstate Visibility Transport	40 CFR 52	86 FR 16531	Link	Final Rule	Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is disapproving elements of two State Implementation Plan (SIP) submissions from the State of Texas for the 2012 PM2.5 National Ambient Air Quality Standard (NAAQS) and the 2015 Ozone NAAQS. These submittals address how the existing SIP provides for implementation, maintenance, and enforcement of the 2012 PM2.5 and 2015 Ozone NAAQS (infrastructure SIP or i-SIP). The i-SIP requirements are to ensure that the Texas SIP is adequate to meet the state's responsibilities under the CAA for these NAAQS. Specifically, this disapproval addresses the interstate visibility transport requirements of the i-SIP for the 2012 PM2.5 and 2015 Ozone NAAQS under CAA section 110(a)(2)(D)(i)(II). In addition to this disapproval, we are finalizing our determination that the requirements of those i-SIP elements are met through the Federal Implementation Plans (FIPs) in place for the Texas Regional Haze program, and no further federal action is required.	Effective April 29, 2021
Air	EPA	Court Vacatur of Exemption From Emission Standards During Periods of Startup, Shutdown, and Malfunction	40 CFR 63	86 FR 13819	Link	Final Rule	The U.S. Environmental Protection Agency (EPA) is amending the Code of Federal Regulations (CFR) to reflect a court order regarding the General Provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) issued on December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions in the General Provisions that exempted sources from hazardous air pollutant (HAP) non-opacity and opacity emission standards during periods of startup, shutdown, and malfunction (SSM). The court held that under the Clean Air Act (CAA), emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement. This ministerial action revises these two NESHAP General Provisions in the CFR to conform to the court's order.	In effect March 11, 2021

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us	#1 888.777.4310
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us	www.beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us	Legend: new compliance date
			Legend: active comment period

Deadlines				Jun-2021						
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline			01	02	03	04	05 06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20
				21	22	23	24	25	26	27
				28	29	30				

Regulation Activity			
Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)		https://www.epa.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose-Date+Range	

Air	EPA	Air Plan Approval; Texas; Reasonable Further Progress Plan for the Houston-Galveston-Brazoria Ozone Nonattainment Area	40 CFR 52	86 FR 24717	Link	Final Rule	Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) to meet the Reasonable Further Progress (RFP) requirements for the Houston-Galveston-Brazoria (HGB) serious ozone nonattainment area for the 2008 ozone National Ambient Air Quality Standard (NAAQS). Specifically, EPA is approving the RFP demonstration and associated Motor Vehicle Emission Budgets (MVEBs), and a revised 2011 base year emissions inventory (EI) for the HGB area. EPA is also notifying the public of the status of EPA's adequacy determination for the MVEBs for the HGB area. EPA is not finalizing the proposed approval of revisions to the SIP to address contingency measure requirements in the HGB area for the 2008 Ozone NAAQS.	Effective June 9, 2021
Waste	EPA	Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning with Reporting Year 2021	40 CFR 372	86 FR 29698	Link	Final Rule	The Environmental Protection Agency (EPA) is adding three per- and polyfluoroalkyl substances (PFAS) to the list of chemicals subject to toxic chemical release reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). This action implements the statutory mandate in the National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA) enacted on December 20, 2019. As this action is being taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking is unnecessary.	Effective July 6, 2021
Air	EPA	Air Plan Approval; Texas; Revisions to the Texas Diesel Emissions Reduction Incentive Program	40 CFR 52	86 FR 28494	Link	Final Rule	Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a revision to the Texas State Implementation Plan (SIP) that pertains to the Texas Diesel Emissions Reduction Incentive Program, submitted on August 13, 2020.	Effective June 28, 2021
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations Residual Risk and Technology Review and Flexible Polyurethane Foam Production and Fabrication Area Source Technology Review	40 CFR 63	86 FR 1868	Link	Proposed Rule	This action presents the proposed results of the EPA's residual risk and technology review (RTR) required under the Clean Air Act (CAA) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for major source Flexible Polyurethane Foam Fabrication Operations, initially promulgated in 2003. Pursuant to the CAA, this action also presents the proposed results of the technology review for the NESHAP for two area source categories, Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication, which are combined in one subpart initially promulgated in 2007. The EPA is proposing to establish a numeric emission limit for one major source subcategory; remove exemptions for periods of startup, shutdown, and malfunction and specify that the emissions standards apply at all times; require periodic performance tests, electronic reporting of performance test results and compliance reports. Implementation of these proposed rules is not expected to result in significant changes to the hazardous air pollutant emissions from affected facilities in these three source categories or to human health impacts or environmental impacts associated with those emissions.	Comment deadline February 25, 2021
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Carbon Black Production Residual Risk and Technology Review and Carbon Black Production Area Sources Technology Review	40 CFR 63	86 FR 3054	Link	Proposed Rule	The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants for the Carbon Black Production major source category. The proposal addresses the results of the residual risk and technology review for this source category as required under the Clean Air Act. The proposed amendments address hazardous air pollutant emissions that occur after the main unit filter of a carbon black production unit, emissions boilers and process heaters. The proposed amendments also address the startup, shutdown, and malfunction provisions of the existing standards, and require electronic reporting of certain notifications, performance test results, and semiannual reports. The proposal addresses the results of the technology review for the Carbon Black Production Area Source NESHAP.	Comment deadline February 16, 2021
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production Reconsideration; Reopening of a Comment Period	40 CFR 63	86 FR 5093	Link	Proposed Rule	On November 9, 2020, the U.S. Environmental Protection Agency (EPA) proposed a rule titled "National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production Reconsideration." The EPA is reopening the comment period on the proposed rule that closed on January 8, 2021. The comment period will reopen until February 8, 2021, to allow additional time for stakeholders to review and comment on the proposal.	Comment period reopened until February 8, 2021
Air	EPA	Test Methods and Performance Specifications for Air Emission Sources	40 CFR 51	86 FR 9470	Link	Final Rule	Correction in Rule Document 2020-188424	Use republished text and tables

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us	#1 888.777.4310
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us	www.beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us	Legend: new compliance date
			Legend: active comment period

Deadlines				Jun-2021							
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun	
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline			01	02	03	04	05	06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13	
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20	
				21	22	23	24	25	26	27	
				28	29	30					

Regulation Activity			
Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)		https://www.epa.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose+Date+Range	

Air	EPA	Air Plan Approval; Texas, Clean Air Act Requirements for Nonattainment New Source Review and Emission Statements for the 2015 Ozone National Ambient Air Quality Standards	40 CFR 52	86 FR 9041	Link	Proposed Rule	Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve the portions of a State Implementation Plan (SIP) revision submitted by the State of Texas that describes how CAA requirements for Nonattainment New Source Review (NNSR) and emission statements are met in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), and Bexar County ozone nonattainment areas for the 2015 ozone National Ambient Air Quality Standards (NAAQS).	Comment period closed (deadline March 15, 2021).
Air	EPA	Air Approval Plans; Texas, Reasonably Available Control Technology in the Houston-Galveston-Brazoria Ozone Nonattainment Area	40 CFR 52	86 FR 13679	Link	Proposed Rule	Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve the May 13, 2020 revisions to the Texas State Implementation Plan (SIP) concerning Reasonably Available Control Technology (RACT) requirement for the Houston-Galveston-Brazoria (HGB), 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) nonattainment area (NA). The HGB area, designated as serious for 2008 8-hour ozone NAAQS, consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. The RACT requirements apply to sources of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NOx) in this area. We are also proposing to approve negative declarations for certain VOC source categories subject to RACT in the HGB area.	Comment period deadline April 9, 2021
Air	EPA	Air Plan Approval; Texas, Clean Air Act Requirements for Emissions Inventories for Nonattainment Areas for the 2015 Ozone National Ambient Air Quality Standards	40 CFR 52	86 FR 16171	Link	Proposed Rule	The Environmental Protection Agency (EPA) is proposing to approve the portions of the State Implementation Plan (SIP) submitted by the State of Texas to meet the Emissions Inventory (EI) requirements of the Federal Clean Air Act (CAA or the Act), for the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), and Bexar County ozone nonattainment areas for the 2015 8-hour ozone national ambient air quality standards (NAAQS). EPA is proposing to approve this action pursuant to section 110 and part D of the CAA and EPA's regulations.	Comment period deadline April 26, 2021
Hazardous Waste	EPA	National Priorities List for Uncontrolled Hazardous Waste Sites; Partial Withdrawal of Proposed Rules	40 CFR 300	86 FR 22922	Link	Proposed Rule	The Environmental Protection Agency (EPA) is partially withdrawing three previous proposed rules which proposed to add five sites to the Superfund National Priorities List (NPL). The NPL is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation.	Partial withdrawal
Air	EPA	Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS; Correction	40 CFR 51	86 FR 29948	Link	Final Rule	The Environmental Protection Agency (EPA) is correcting certain statements in the preamble of the Revised Cross-State Air Pollution Rule (CSAPR) Update for the 2008 Ozone NAAQS, which was published as a final rule in the Federal Register on April 30, 2021. The preamble describes a provision of the final regulatory text incorrectly by indicating that the provision applies if a satisfactory demonstration is made, when in fact no demonstration is required. This document corrects the preamble to accurately describe the regulatory text provision.	Correction

Agency Semi-Annual Agenda Items (Potential Future Rulemaking)				https://www.reginfo.gov/public/do/eAgendaMain			
Media/Field	Agency	Topic	Rule	Reference	Rule State	Update	Latest Action(s)
					Link		The Government's Unified Semi-Annual Agenda for Spring 2021 is reflected here.

Water	EPA/OLEM	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Monitoring Requirements	40 CFR 300		Link	Final Rule	Pursuant to the Clean Water Act, the Environmental Protection Agency (EPA) prepares a schedule identifying dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the National Contingency Plan (NCP); and the waters and quantities in which they may be used. The EPA proposed to revise subpart J of the NCP to address the efficacy, toxicity, environmental monitoring of dispersants, other chemical and biological agents, and other spill mitigating substances, as well as public, state, local, and federal officials concerns on their authorization and use. Under this action, the Agency is considering finalizing amendments for monitoring requirements for dispersant use in response to major oil discharges and/or certain dispersant use situations.	Date on Final Action 8/00/2021
Air	EPA/OAR	Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards; Updates to 40 CFR 52 for Areas that Attained by the Attainment Date	40 CFR 52		Link	Final Rule	The EPA is issuing a final rule to make updates to the regulatory text in 40 CFR part 52 to reflect EPA's factual finding that certain nonattainment areas attained the revoked 1997 8-hour ozone NAAQS by their respective attainment dates, and, therefore, were not required to implement antibacksliding obligations associated with failure to timely attain. EPA is adopting these part 52 updates in a final rule.	Final Rule 6/00/2021

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us

#1 888.777.4310
www.beath.us
Legend: new compliance date
Legend: active comment period

Deadlines				Jun-2021						
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline		01	02	03	04	05	06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20
				21	22	23	24	25	26	27
				28	29	30				

Regulation Activity			
Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)	https://www.epa.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose:Date+Range		

Water	EPA/OW	Clean Water Act Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category	40 CFR 414	Link	Prerule Stage	As announced in the February 2019 EPA per- and polyfluoroalkyl substances (PFAS) Action Plan, EPA is taking steps to address PFAS in the environment and to protect public health. After study of available data regarding wastewater discharges from facilities that manufacture PFAS, the EPA is considering revising wastewater discharge standards, called Effluent Limitations Guidelines and Standards (ELGs), that apply to these facilities. As a preliminary step in the Agency's consideration, the EPA published an advanced notice of proposed rulemaking (ANPRM) to solicit on a voluntary basis additional data and information regarding manufacturers of PFAS and the presence of PFAS in discharges from this industrial category. Also, the EPA solicited on a voluntary basis information regarding PFAS formulators, which are facilities that produce a variety of PFAS products and materials from PFAS feedstocks. PFAS manufacturers and formulators are currently regulated under the Organic Chemicals, Plastics and Synthetic Fibers (OCPSPF) ELGs found at 40 CFR Part 414. The OCPSPF ELGs, last revised in 1993, currently do not contain discharge standards for PFAS. The EPA will use any data and information obtained via public comment on the ANPRM to inform next steps for this category.	Comment Period closed May 17, 2021
Water	EPA/OLEM	Clean Water Act Hazardous Substance Worst Case Discharge Planning Regulations	N/A	Link	Proposed Rule Stage	The Clean Water Act (CWA) states that regulations shall be issued "which require an owner or operator of a tank vessel or facility ... to prepare and submit ... a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of ... a hazardous substance." The Environmental Protection Agency is considering developing a regulatory action to require planning for worst case discharges of CWA hazardous substances under section 311(j)(5)(A). This regulatory action is being conducted under the terms of a consent decree entered into on March 12, 2020, which requires that a proposed action is signed within 24 months of the final agreement. The consent decree also requires that a final action follow within 30 months of the publication of the proposed rule.	NPRM on 3/12/2022; Final on 9/30/2024
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants Risk And Technology Review Reconsideration: Oil and Natural Gas Sector	40 CFR 63	Link	Proposed Rule Stage	On August 16, 2012, the EPA completed its residual risk and technology review (RTR) and promulgated amendments to National Emission Standards for Hazardous Air Pollutants (NESHAP) that regulate hazardous air pollutants (HAP) from new and existing stationary sources in the oil and natural gas production and transmission/storage major source categories. The 2012 rule amended the NESHAP for these two major source categories (40 CFR part 63, subparts HH and HHH) for the oil and natural gas industry which were promulgated in 1999. On October 15, 2012, the EPA received several petitions for reconsideration to reconsider, clarify and amend the residual risk review, the technology review and certain provisions of the final 2012 rule. By letter to petitioners dated October 6, 2017, the Administrator granted reconsideration on certain issues brought by petitioners. At this time, we are evaluating these issues to propose reconsideration. The letter may be found in the EPA Docket, ID No. EPA-HQ-OAR-2017-0747.	Notice on 11/27/2015; NPRM 3/00/2022; Final Rule 1/00/2023
Air	EPA/OAR	Emission Guidelines for Oil and Natural Gas Sector	40 CFR 60	Link	Proposed Rule Stage	On January 20, 2021, President Joe Biden issued an Executive Order titled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which states, among other things, that the Administrator of the EPA should consider proposing new regulations to establish emission guidelines for methane emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments by September 2021. The purpose of this action is to propose new emission guidelines for existing sources in the oil and gas sector	NPRM 10/00/2021; Final Rule 10/00/2022
Air	EPA/OAR	Review of Final Rule Reclassification of Major Sources as Area Source Under Section 112 of the Clean Air Act	40 CFR 60	Link	Proposed Rule Stage	The final rule, Reclassification of Major Sources as Area Sources Under section 112 of the Clean Air Act (Major MACT to Area- MM2A final rule), was promulgated on November 19, 2020. (See 85 FR 73854) On January 20, 2021, President Biden issued Executive Order 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The EPA has identified the MM2A final rule as an action being considered pursuant section (2)(a) of Executive Order 13990. Under this review, EPA, as appropriate and consistent with the Clean Air Act section 112, will publish for comment a notice of proposed rulemaking suspending, revising, or rescinding the MM2A final rule.	NPRM 12/00/2021; Final Rule 12/00/2022

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us	#1 888.777.4310
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us	www.beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us	Legend: new compliance date
			Legend: active comment period

Deadlines				Jun-2021							
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun	
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline			01	02	03	04	05	06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13	
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20	
				21	22	23	24	25	26	27	
				28	29	30					

Regulation Activity			
Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)		https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose-Date+Range	

Air	EPA/OAR	Testing Provisions for Air Emission Sources	40 CFR 60/63	Link	Proposed Rule Stage	This action proposes corrections and updates to test methods and performance specifications for air emission sources subject to 40 CFR parts 60 and 63. The revisions include corrections to testing provisions that contain inaccuracies, updates to outdated test methods, clarifications, and the addition of alternative testing procedures the agency has deemed acceptable to use. For example, we would propose that Method 1 be revised to clearly specify the number of traverse points that must be used for sampling and velocity measurements once a directional flow-sensing probe procedure has been used to demonstrate that an alternative measurement site is acceptable. In Method 7, the word "should" would be changed to "shall" in the last sentence of section 10.1.3 because the difference between the calculated concentration values and actual concentrations are required to be less than 7 percent for all standards. This action is developed every two years to keep rules up-to-date and to ensure that compliance testing and monitoring are done correctly.	NPRM 2/00/2022; Final Rule 12/00/2022
Fees/Taxes	EPA/OCSP	Revisions to the Fees Rule Under the Toxic Substances Control Act (TSCA)	40 CFR 700	Link	Final Rule	In January 2021, EPA proposed updates and adjustments to the 2018 fees rule established under the Toxic Substances Control Act (TSCA). TSCA requires EPA to review and, if necessary, adjust the fees every three years, after consultation with parties potentially subject to fees. EPA proposed modifications to the TSCA fees and fee categories for fiscal years 2022, 2023 and 2024, and explained the methodology by which the proposed TSCA fees were determined. EPA proposed to add three new fee categories: A Bona Fide Intent to Manufacture or Import Notice, a Notice of Commencement of Manufacture or Import, and an additional fee associated with test orders. In addition, EPA proposed exemptions for entities subject to certain fee triggering activities; including: An exemption for research and development activities, an exemption for entities manufacturing less than 2,500 lbs. of a chemical subject to an EPA-initiated risk evaluation fee; an exemption for manufacturers of chemical substances produced as a non-isolated intermediate; and exemptions for manufacturers of a chemical substance subject to an EPA-initiated risk evaluation if the chemical substance is imported in an article, produced as a byproduct, or produced or imported as an impurity. EPA updated its cost estimates for administering TSCA, relevant information management activities and individual fee calculation methodologies. EPA proposed a volume-based fee allocation for EPA-initiated risk evaluation fees in any scenario where a consortium is not formed and is proposing to require export-only manufacturers to pay fees for EPA-initiated risk evaluations. EPA also proposed various changes to the timing of certain activities required throughout the fee payment process.	Final Rule 10/00/2021

Texas Register Weekly Issues							http://www.sos.texas.gov/texreg/archive/index.shtml	
Media/Field	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
Waste	TCEQ	Industrial Solid Waste and Municipal Hazardous Waste	\$335.323 and \$335.325		Link	Proposed	Texas Health and Safety Code (THSC), §361.134 and §361.136 allows the commission to collect fees for industrial solid waste and hazardous waste generation and management. Industrial solid waste covers what is commonly referred to as Class 1 nonhazardous waste or nonhazardous waste. Additionally, THSC, §361.133(d) sets a collection cap up to \$16 million in waste management fees annually and THSC, §361.134(c) provides collection caps of \$10,000 and \$50,000 for nonhazardous and hazardous generators, respectively. Fee schedules for waste generators and waste management have not changed since 1994. The commission proposes an increase in both the generator and management fees and the ability to adjust fees annually under a specified maximum fee schedule. The increase in fees and the ability to adjust fees would allow the commission to optimize existing statutory caps to manage the Waste Management Account more adequately. The commission would utilize various communication strategies to inform the public and regulated entities of fee changes.	Comment period deadline July 6, 2021.
Waste	TCEQ	Waste Minimization and Recycling	§328.203, §328.204; simultaneously adopts new §328.203, §328.204		Link	Adopted	The rulemaking adoption implements Texas Health and Safety Code (THSC), §361.425 and §361.426 to exempt certain governmental entities from compliance with recycling requirements. THSC, §361.425 and §361.426 require that governmental entities establish a recycling program, create procedures for a recycling program, and give preferences in purchasing to products made of recyclable materials if applicable criteria are met.	Effective April 1, 2021

Regulatory Update - June 2021 (this listing covers rule changes from 1/1/2021 to 6/15/2021)

A lot has happened since our last edition in April 2020. The pace of rulemaking is expected to rise back to pre-Covid 19 levels as we move forward from there in 2021. Accordingly, the JBE Regulatory Update will be issued again periodically.

We continue to follow only Federal and Texas environmental regulations that would be of interest to upstream and downstream oil and gas companies as well as those operating chemical plants.

EPA's revisions to the OLD MACT were finalized and made effective in January 2021, but some issues are still being sorted out with regulating agencies.

You will continue to note some duplication between the LSA section and the Semi-Annual Agenda section. We have not made an effort to sort that out because there seems to be some helpful information about EPA's intent in both places.

We have added a color code system to the Latest Action column at the right. The legend for it is in the upper-right hand section. It is meant to flag regulations that might require your attention as an environmental professional in a refinery or a chemical plant because you may want to prepare for or comment on proposed regulations; or you may need to take action because a newly finalized regulation compliance date is approaching.



Upstream/Midstream	Scott Kirby, Ph.D.	scott.kirby@beath.us	#1 888.777.4310
Downstream	John Beath, PE (Texas), LCA-CP	john@beath.us	www.beath.us
Downstream/Chemicals	Mike Miller	mike.miller@beath.us	Legend: new compliance date
			Legend: active comment period

Deadlines				Jun-2021							
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun	
7/6/21	TCEQ	Industrial/Municipal Hazardous	Comment deadline			01	02	03	04	05	06
7/14/21	EPA	El Paso Ozone Reclassification	Comment deadline	07	08	09	10	11	12	13	
7/26/21	EPA	1-bromopropane CAA listing	Comment deadline	14	15	16	17	18	19	20	
				21	22	23	24	25	26	27	
				28	29	30					

Regulation Activity			
Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)		https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&selectedPublicationDate=Choose+Date+Range	

Air	TCEQ	Control of Air Pollution by Permits for New Construction or Modification	\$116		Link	Proposed	The proposed rulemaking would revise Chapter 116 consistent with EPA guidance and regulations regarding the requirements that apply to sources proposing to undertake a physical or operational change under the New Source Review (NSR) preconstruction permitting program. Under this program an existing major source proposing to undertake a project must determine whether that project will constitute a major modification using a two-step applicability test.	Comment period deadline February 3, 2021.
Tax	TCEQ	Rollback Relief for Pollution Control Requirements	30 TAC §§18.25, 18.26, 18.30		Link	Withdrawn	This adopted rulemaking implements Senate Bill (SB) 2, Section 44, 86th Texas Legislature, 2019, which requires revising the title of Chapter 18 from "Rollback Relief for Pollution Control Requirements" to "Voter-Approval Tax Rate Relief for Pollution Control Requirements."	Effective January 7, 2021
Oil/Gas	TCEQ	Underground Injection Control	§§331.2, 331.5, 331.7, 331.47, 331.64		Link	Withdrawn	This rulemaking streamlines the regulation for pre-injection units (PIUs) associated with injection wells by removing redundant requirements for registering or permitting PIUs under 30 Texas Administrative Code (TAC) Chapter 331. PIUs are above-ground waste management units associated with an injection well and can include equipment and structures such as tanks, surface impoundments, filters, pumps, and piping used for storage and processing of waste prior to injection into an injection well.	Effective January 7, 2021
Air	TCEQ	Control of Air Pollution from Volatile Organic Compounds	§§115.111, 115.112, 115.119, 115.121, 115.357 new §§115.170 - 115.181, 115.183		Link	Withdrawn	he 1990 Federal Clean Air Act (FCAA) Amendments (42 United States Code (USC), §§7401 et seq.) require the EPA to establish primary National Ambient Air Quality Standards (NAAQS) that protect public health and to designate areas as either in attainment or nonattainment with the NAAQS, or as unclassifiable. Each state is required to submit a SIP to the EPA that provides for attainment and maintenance of the NAAQS.	Effective January 1, 2021
Permits	TCEQ	Public Notice	§§39.405, 39.412		Link	Proposed	The purpose of this rulemaking is to amend existing rules and add new rule language pertaining to the notice requirements in alternative languages for air, waste, and water quality permitting applications. The proposed rules would extend the requirements for notice in alternative languages when necessary to certain notices for public meetings, executive director responses to comments, responses to requests for reconsideration and requests for contested case hearings, commission actions on requests for reconsideration and requests for contested case hearings, and notices of preliminary hearing at the State Office of Administrative Hearings (SOAH). The proposed rules would also require applicants to provide simultaneous translation in alternative language at certain public meetings held on permitting applications. The proposed rules would also institute a new requirement for applicants to provide a plain language summary of an application to inform the public about a proposed new permit. Additionally, the proposed rules would require applicants to publish required alternative language notices electronically, when no suitable alternative language publication is available.	No public comment period.
Transport	TCEQ	Environmental Review of Transportation Projects	§§2.201 - 2.214, new §2.201 - 2.207		Link	Proposed	The proposed MOU is more streamlined and straightforward compared to the existing MOU. It removes the various analyses that are required to determine whether coordination with TPWD is required on a given transportation project under the existing MOU, which are overly complicated and unnecessary. A simpler threshold is needed because the number of projects that require environmental review, including potential analyses to determine whether coordination with TPWD is triggered, has increased dramatically in recent years, from 1,669 projects in 2013 to 4,302 projects in 2019. Therefore, the proposed MOU requires coordination on projects that require an environmental assessment or environmental impact statement, which is a substantially more straightforward threshold compared to the existing MOU.	Comment period deadline May 10, 2021.