

Regulatory Update - June 5, 2017



Each month JBE senior regulatory staff review Federal and Texas regulatory actions that pertain to environmental impacts and report on potential implications for Upstream, Mid-Stream and Downstream Oil and Gas facilities, as well as for petrochemical facilities. This initial issue covers actions from January 1, 2017 to May 31, 2017.

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June 2017 Deadlines

Deadline	Agency	Topic	Required Activity	June 2017								
6/20/2017	EPA	NAAQS	Public Teleconference - SO2 standard - Review of the EPA's Health Criteria (Second External Review Draft—December 2016) See 82 FR 23563 or consult EPA at: http://www.epa.gov/casac									
6/30/2017	EPA	MACT	End of operating period for Semi-Annual MACT/NSPS* excess emissions reporting (reports due 7/30/17)	4	5	6	7	8	9	10		
7/1/2017	EPA	TRI	CY 2016 TRI Reports due (submitted by EPA's TRI-ME web interface) * Depending on facility-specific timetable	11	12	13	14	15	16	17		
				18	19	20	21	22	23	24		
				25	26	27	28	29	30			

Regulation Activity

Published Actions (List of Sections Affected) <https://www.epa.gov/dsds/browse/collectionOfFR.action?dispatch=&selectedPublicationDate=Choose+Date+Range>

Media	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
Water	EPA	Clean Water	40 CFR 110 (and others)	82 FR 12532 3/6/17	Link	Notice of Intent	EPA announced it intends to review and rescind the proposed provisions that would have redefined the "waters of the US" resulting in additional coverage of various regulations.	This is an advanced notice of new rulemaking
Multimedia	EPA	TRI	40 CFR 372	82 FR 1651 1/6/17	Link	Proposed	EPA has proposed to add natural gas plants that do not separate sulfur to the list of facilities required to submit TRI reports. If finalized this year, this requirement could impact newly covered facilities such that they would have to report TRI releases by July 1, 2018 for CY 2017.	Comments closed 5/6/17 (this was extended from 3/7/17)
Various	EPA	TSCA	40 CFR 710	82 FR 4255 1/13/17	Link	Proposed	New TSCA manufacturing inventory and pre-manufacture requirements have been proposed by EPA that include new notice requirements for the manufacture of chemicals during the last ten years. Retrospective notices would be due 180 days after the final rule is published. Thus, reporting could be as soon as the end of this year, but more likely sometime in 2018.	Comments closed 3/14/17
Air	EPA	RMP	40 CFR 68	82 FR 16146 4/3/17	Link	Proposed	Various changes to RMP have been delayed. EPA has proposed 4/19/19 as the effective date.	Comments closed 5/19/17

Agency Agenda Items (Potential Future Rulemaking)

<https://resources.regulations.gov/public/custom.jsp/navigation/main.jsp>

Media	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
Multimedia	EPA	TRI	40 CFR 372		Link	Pre-Rule	As a result of a petition by the Toxic Use Reduction Institute (TURI), EPA is evaluating 25 chemicals that could potentially be added to TRI reporting requirements. The list includes 1,2,3-trichlorobenzene which is used in lubricants and coolants.	The Agenda lists a target date for a proposed rule as April 2017 and it suggests a final rule date as April 2018
Air	EPA	NESHAP	40 CFR 63 Subpart A		Link	Pre-Rule	EPA is proposing to require electronic reporting of performance tests and excess emissions reports required by various MACT standards.	The Agenda lists a target date for a proposed rule as September 2017 with a final rule in September 2018
Air	EPA	NSPS	40 CFR 60 Subpart A	80 FR 15099 3/20/15	Link	Proposed	EPA is proposing to require electronic reporting of performance tests and excess emissions reports required by various NSPS standards.	The Agenda lists a target date for a final rule as December 2016
Air	EPA	Refinery Sector Rule (RSR)	40 CFR 63 Subpart CC	81 FR 71661 10/18/16 81 FR 76550	Link	Proposed	The proposed rule addresses five issues raised in petitions for reconsideration including revising the work standards for PRDs and for emergency flaring (an alternative work practice for when a flare exceeds its smokeless capacity). In addition EPA is proposing to allow reduced fence line monitoring based consistently low results. API and AFPM have provided quite a number of additional comments in a letter dated 12/19/16. Those comments are available on the Regulations.gov site (https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0682-0883). Some refiners have sought additional extensions beyond those already granted by EPA through their state agency for various issues including maintenance vent work practices.	The comment period ended 12/19/16. A hearing was held on 11/17/16. The Agenda indicates a final rule was due to be issued in January 2017 Note that maintenance vents have new compliance requirements effective 8/1/17
Air	EPA	GHG	40 CFR 98 Subpart W	81 FR 9797 2/26/16 81 FR 4987	Link	Proposed	EPA proposed changes in monitoring for petroleum and natural gas systems and various changes to the reporting process in early 2016 and has yet to finalize them.	The comment period closed on 3/15/16. The agenda indicates a final rule was due to be issued in November 2016
Waste	EPA	Hazardous Waste	40 CFR 261 + Various	80 FR 57917 9/25/15	Link	Proposed	EPA proposed improvements in various aspects of hazardous waste generator administrative responsibilities on 9/25/15.	The Agenda lists a final rule issue date target as 11/16
Air	EPA	O&G NSPS	40 CFR 60 Subpart OOOO	Pending Notice 5/26/17 81 FR 35824 6/3/16	Link	Final Rule	In a letter signed by the EPA Administrator on 4/18/17 and submitted to the Federal Register for publication on 5/26/17, EPA is staying three rule requirements for 90 days (specified fugitive emissions provisions for well and compressor sites).	Stay ends 90 days after publication in the Federal Register unless EPA takes other action(s)

Texas Register Weekly Issues

<http://www.sos.texas.gov/texreg/archive/index.shtml>

Media	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
Air	TCEQ	Open Burning	30 TAC 111	TexReg 2/3/17	Link	Proposed	TCEQ has added requirements for prescribed burns, including the use of a Certified and Insured Prescribed Burn Manager. Facilities outside city boundaries may need to review these requirements to see if they apply.	Comments closed 3/6/17
Air	TCEQ	Area Source Credits	30 TAC 101	TexReg 3/24/17	Link	Proposed	These rules pertain to area sources too small to be required to submit an emissions inventory; as such, they these rules could pertain to certain oil and gas sites. The proposed rules would require additional documentation in the event emissions credits are sought for these types of sites.	Comments closed 4/24/17

Air	TCEQ	Title V	30 TAC 122	TexReg 2/17/17	Link	Final Rule	Consistent with Federal requirements resulting from the June 2014 Supreme Court decision, TCEQ is removing requirements that subject a facility to PSD-driven GHG permitting requirements if the facility triggers PSD based on GHG alone. Provisions for GHG permit aspects if other PSD thresholds are exceeded are unaffected.	These changes became effective on 2/23/17
Water	TCEQ	Drinking Water	30 TAC 290	TexReg 3/24/17	Link	Final Rule	These new rules implement federal requirements that result from an EPA review of TCEQ's drinking water regulations to address various issues including ground water and total coliform.	These changes became effective on 3/20/17
Various	TCEQ	Pipelines	16 TAC 8	TexReg 4/21/17	Link	Final Rule	The TCEQ has assumed authority for "all common carrier pipelines in Texas, persons owning or operating pipelines in Texas and their oil and gas wells." This new regulation specifies TCEQ reporting requirements for releases.	These changes became effective on 4/25/17
Items in bold are new actions or updated descriptions in this issue of Update								