

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: October 12, 2007

From:  Leonard Olson, Director
Intergovernmental Relations Division

Subject: Federal Regulatory Notices

Issue Discussion of state and federal legislative issues potentially affecting the TCEQ. The commission may consider legislative proposals and federal rulemakings, as well as other state actions and state's participation in federal legislative and regulatory activities. The commission may also meet in closed meeting to receive legal advice regarding these matters, or any of the above matters, as authorized by Section 551.071 of the Open Meetings Act, Chapter 551 of the Government Code. Any commission action, decision, or vote on these matters will be made in open meeting in accordance with Section 551.102 of the Open Meetings Act, Chapter 551 of the Government Code.

Background and Current Practice Federal legislative issues noticed in the Federal Register and of interest to the TCEQ are attached for information. Commission Action on this issue is not required.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Glenn Shankle, Executive Director
Commissioners

Date: October 1, 2007

From:  Leonard Olson, Director, Intergovernmental Relations

Subject: Legislative Implementation Status Report

Legislative Implementation

The following summarizes the current status of the implementation of legislation enacted during the 80th Session.

80 th Legislative Session Implementation Status Report			
	Total Number to Complete	Total Number Completed	Total Number Remaining
Number of Bills to Implement	196 th	142	54
Number of Bills Requiring Rulemaking	39 th	2	37

Notes

(1) The total number of bills includes those local district bills that require some action on the part of the agency to implement.

(2) The 39 bills requiring rulemaking include HB 119, where we will adopt comptroller rules by reference and SB 1665 where adoption of rules was done as part of Chapter 177 revisions which were adopted 5/23/07. Some bills will require more than one rule change, while other rule changes will implement multiple bills. The net effect is that a total of 32 rule projects will be required to implement the 39 bills that require rulemaking.

cc: Mark Vickery, Deputy Executive Director
Sonia Ralls, Executive Assistant
Celeste Baker, Acting General Counsel
Ashley K. Wadick, Executive Assistant
Daniel Womack, Executive Assistant

NATIONAL COMMENTS LOG

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SUBM TO	DATE	SHORT TITLE	TCEQ COMMENTS	OFFICE PREPARING	OFFICE CONTACT
EPA	9/4/07	Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs	<p>The TCEQ is committed to utilizing technology which both enhances the effectiveness of and improves compliance with environmental laws and regulations. Implementing CROMERR will require an extensive redesign, some prohibitively expensive, of current electronic reporting and record keeping systems at agencies and regulated entities.</p> <p>The TCEQ supports the proposed deadline extension as long as the performance standards and other requirements promulgated by the U.S. Environmental Protection Agency (EPA) on October 13, 2005, are not increased. Additional time may help states further develop technical components of receiving systems, submit more comprehensive rule packages and applications to revise or modify authorized programs, and work with EPA on significant issues.</p>	Office of Administrative Services	Brandon Harris
EPA	9/14/07	Expansion of RCRA Comparable Fuel Exclusion	<ul style="list-style-type: none"> • Recommends changes to conform to RCRA definitions to clarify applicability; • Provides comments on benchmark for comparable emissions; • Recommends alternative approaches to proposed firing rates of ECF and blending limits; • Recommends corrections and clarifications for the text of the rules; • Recommends a reduction in the proposed complexity for the self-implementing rule; and, • Recommends clarifications to recordkeeping and documentation of compliance. 	Office of Permitting, Remediation, and Registration	James Spiller, Jr.

Federal Notices & Regulatory Initiatives

October 12, 2007

Air Programs

Subject	Activity Dates	Federal Register Information	TCEQ Activity & Status
Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of Compounds; USEPA	October 31, 2007 (comments)	October 1, 2007 Proposed Rules	Under review.
Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM2.5)--Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Proposed Rule; USEPA	November 20, 2007 (comments)	September 21, 2007 Proposed Rules	Staff recommend comments. Executive Review package being developed.
National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; Proposed Rule; USEPA	October 17, 2007 (comments)	September 17, 2007 Proposed Rules	Staff recommend comments. Executive Review package being developed.
National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries; USEPA	November 5, 2007 (comments)	September 4, 2007 Proposed Rules	Staff recommend comments. Executive Review package being developed.

Federal Notices & Regulatory Initiatives

October 12, 2007

Final Rule Adoption

Subject	Activity Dates	Federal Register Information
Significant New Use Rules on Certain Chemical Substances; USEPA	November 19, 2007	September 19, 2007 Rules and Regulations
Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions; USEPA	October 19, 2007	September 19, 2007 Rules and Regulations
Polychlorinated Biphenyls; Manufacturing (Import) Exemption; USEPA	January 7, 2008	September 18, 2007 Rules and Regulations
Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision; USEPA	November 19, 2007	September 18, 2007 Rules and Regulations
Approval and Promulgation of Air Quality Implementation Plans; Texas; Shipyard Facilities and Provisions for Distance Limitations, Setbacks, and Buffers in Standard Permits; USEPA	October 29, 2007	August 28, 2007 Rules and Regulations
Revisions to Consolidated Federal Air Rule; USEPA	November 26, 2007	August 27, 2007 Rules and Regulations