

# TEXAS ENVIRONMENTAL UPDATE



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## Texas Developments

### TCEQ Adopts Computer Equipment Recycling Rules

On May 21, 2008, the TCEQ adopted the "Computer Equipment Recycling Program" rules implementing the electronics recycling legislation adopted by the Texas legislature in 2007. The new rules impose obligations upon computer equipment manufacturers and retailers and adopt standards for recycling and reuse of computer equipment.

### Update on Advanced Notice of Proposed Rulemaking for Greenhouse Gases

On May 8, 2008, the director of EPA's Office of Transportation & Air Quality, Margo Oge, told a meeting of the Clean Air Act Advisory Committee's (CAAAC) Mobile Sources Technical Review Subcommittee that the EPA is looking at a June timeframe to put forward a comprehensive Advance Notice of Proposed Rulemaking ("ANPR") on the regulation of greenhouse gases.

### TCEQ Revising Air Modeling Guidelines

TCEQ's Air Permits Division has announced that it will be updating its Air Modeling Guidelines. Among other things, the new guidelines will now refer to EPA's new air dispersion model.

### TCEQ Discusses Enforcement Policy of Speciating Pollutants

At the May 9, 2008 Commissioners' Work Session, the Commission debated the TCEQ staff's enforcement practice of handling a single release as separate violations based on the speciation of the pollutants. The TCEQ first speciated pollutants in air enforcement cases in 2007. The TCEQ staff reports that since that time it has speciated pollutants in thirty-two cases.

### Recent Texas Rules Updates

Click on the above link for highlights of significant proposed and adopted Texas rule changes.

## National Developments

### EPA Issues New Source Review Rule for Fine Particulate Matter

On May 8, 2008, EPA issued the second of three final rules for the implementation of fine particulate matter (PM<sub>2.5</sub>) limits under the New Source Review (NSR) program. The rule was published in the Federal Register on May 16, and is available at [73 Fed. Reg.](#)

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**Federal Court Vacates EPA’s Definition of “Navigable Waters” Under SPCC Rule**

On March 31, the United States District Court for the District of Columbia vacated EPA’s definition of “navigable waters” in the Spill Prevention, Control, and Countermeasure regulations, 40 C.F.R. § 112. The regulations require certain oil processing facilities to prepare a plan to prevent oil spills and provide countermeasures to address discharges of oil into “navigable waters.”

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