

Dear Ms. Pendleton,

Total Petrochemicals USA, Inc. (TPI) appreciates the opportunity to comment on the draft rule language to implement Sections 185 and 182(f) of the federal Clean Air Act (CAA). As a member of the Texas Chemical Council (TCC), TPI supports the comments submitted by that organization. In particular:

Section 101.120 Baseline Amount Calculation

Paragraph (a) should be slightly revised to properly reflect the options that are available for determining the baseline amount as shown below.

(a) For purposes of this section, the baseline amount shall be computed as the lower of (1) or (2) or by using paragraph (3) below :

- (1) total amount of actual emissions in the attainment year;
- (2) total emissions allowed under the permit applicable to the source in the attainment year; or
- (3) total emissions as calculated under subsection (b) of this section.

Sections 101.125(b) and Section 101.127(c)

Remove the restrictions in these sections on using both the site aggregation and the pollutant aggregation methodology at the same time.

In addition to TCC's comments, TPI recommends the following:

Section 101.140 Failure to Attain Fee Obligation

Remove the sentence beginning with "The fee shall be assessed..." in paragraph (b). TPI believes that this sentence contradicts the clear language in both section 101.150(c) of the draft rule and Section 185(a) of the Clean Air Act, both of which specify that the fee will be assessed beginning in the year following the attainment date.

Sincerely,
Jason Frederick