

Bryan W. Shaw, Ph.D., *Chairman*
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Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

**NOTICE OF PUBLIC HEARING BY THE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ON PROPOSED REVISIONS TO 30 TAC CHAPTER 114 AND TO THE STATE
IMPLEMENTATION PLAN**

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102, and the United States Environmental Protection Agency (EPA) concerning SIPs.

The commission proposes to amend Chapter 114, Subchapter K, Division 3, Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles, to implement changes made to Texas Health and Safety Code, Chapter 386, Subchapter C, Diesel Emissions Reduction Incentive Program, by House Bill 3399, 82nd Legislature, 2011. The proposed changes and additions involve criteria for the use of grant-funded vehicles and engines, destruction of vehicles and engines replaced under the program, ownership or lease of vehicles to be replaced under the program, and waiver of certain eligibility requirements by the executive director. **(Rule Project Number 2011-050-114-EN)**

The commission proposes to amend Chapter 114, Subchapter K, Division 5, Texas Clean Fleet Program, to implement changes made to Texas Health and Safety Code, Chapter 391, Texas Clean Fleet Program, by House Bill 3399, 82nd Legislature, 2011. The proposed changes and additions involve the number of vehicles that must be registered and operated in Texas by an eligible grant applicant, the number of vehicles that must be replaced under a grant, the period of commitment by a grant recipient for use of the

grant-funded vehicles, requirements on the ownership or lease of the vehicles being replaced, and the destruction requirements for the vehicles and engines being replaced. **(Rule Project Number 2011-051-114-EN)**

The commission proposes to amend Chapter 114, Subchapter K, to add a new Division 6, Alternative Fueling Facilities Program. The proposed rulemaking would implement a portion of Senate Bill 385, 82nd Legislature, 2011, by adding the criteria that may be used by the executive director for prioritizing facilities eligible to receive grants under the Alternative Fueling Facilities Program, established under Texas Health and Safety Code, Chapter 393. **(Rule Project Number 2011-052-114-EN)**

The commission proposes to amend Chapter 114, Subchapter K, to add a new Division 7, Texas Natural Gas Vehicle Grant Program. The proposed rulemaking would implement a portion of Senate Bill 385, 82nd Legislature, 2011, by adding the criteria that may be used by the executive director for prioritizing qualifying vehicles eligible to receive grants under the Texas Natural Gas Vehicle Grant Program, established under Texas Health and Safety Code, Chapter 394. **(Rule Project Number 2011-053-114-EN)**

A public hearing on these proposals will be held in Austin on November 29, 2011, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing will be structured for the receipt of oral and written comments by interested persons. Registration will begin 30 minutes prior to the hearing. Interested persons may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons planning to attend the hearing who have special communication or other accommodation needs should contact Sandy Wong, Texas Register Team, at (512) 239-1802. Requests should be made as far in advance as possible.

Written comments on Rule Project Numbers 2011-050-114-EN and 2011-051-114-EN may be submitted to Charlotte Horn, and written comments on Rule Project Numbers 2011-052-114-EN and 2011-053-114-EN may be submitted to Bruce McAnally, at Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808.

Electronic comments may be submitted at

<http://www5.tceq.state.tx.us/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. **All comments should reference the rule project number that the comment pertains to: Rule Project Number 2011-050-114-EN for the proposed Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles rule amendments; Rule Project Number 2011-051-114-EN for the proposed Texas Clean Fleet Program rule amendments; Rule Project Number 2011-052-114-EN for the proposed Alternative Fueling Facilities Program rule; and Rule Project Number 2011-053-114-EN for the proposed Texas Natural Gas Vehicle Grant Program rule. The comment period closes December 5, 2011.**

Copies of the proposed rules can be obtained from the commission's Web site at *http://www.tceq.texas.gov/nav/rules/propose_adopt.html*. For additional information regarding the proposed rulemaking, please contact Stephen Dayton, Implementation Grants Section, at (512) 239-6824.

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