

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 28, 2019

U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OW-2018-0063
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA Docket ID No. EPA-R06-OAR-2018-0770: Withdrawal of Finding of Substantial Inadequacy of Implementation Plan and of Call for Texas State Implementation Plan Revision—Affirmative Defense Provisions;

Dear Sir or Madame:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency - Region 6's request for comment on the proposed rulemaking to adopt an alternative interpretation regarding affirmative defense provisions in State Implementation Plans (SIP) in Region 6 and to apply this to the Texas SIP. Specifically, as discussed in the attached comments, TCEQ supports the proposed finding that TCEQ's affirmative defense provisions are applicable to the types of excess emissions covered by 30 Texas Administrative Code § 101.222(b) - (e) and do not make the Texas SIP substantially inadequate under the Federal Clean Air Act, and to withdraw the SIP call issued June 12, 2015. The notice of availability was published at 84 *Federal Register* 17986 on April 29, 2019.

If you have questions concerning TCEQ's comments, please contact Janis Hudson, Attorney, TCEQ Office of Legal Services at (512) 239-0466, or by e-mail at janis.hudson@tceq.texas.gov, or Ramiro Garcia, Deputy, TCEQ Office of Compliance and Enforcement at (512) 239-4481, or by e-mail at ramiro.garcia@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker", written in a cursive style.

Toby Baker
Executive Director

Attachment