

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 19, 2013

Ms. Adina Wiley
U.S. Environmental Protection Agency
Air Permits Section (6PD-R)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attn: Docket ID Number EPA-R06-OAR-2006-0593

Re: Title 40 Code of Federal Regulations (CFR) Part 52

Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification; Permits for Specific Designated Facilities

Dear Ms. Wiley:

The Texas Commission on Environmental Quality (TCEQ or commission) appreciates the opportunity to respond to the U.S. Environmental Protection Agency (EPA) notice published in the November 21, 2013, issue of the *Federal Register* entitled: "Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification; Permits for Specific Designated Facilities."

EPA's November 21, 2013 notice proposes approval of certain rules submitted by TCEQ for State Implementation Plan (SIP) approval on March 9, 2006 and July 2, 2010. Specifically, EPA proposes to approve 30 Texas Administrative Code (TAC), Chapter 116, Subchapter L, Permits for Specific Designated Facilities, §§ 116.1400, 116.1402, 116.1404, 116.1406, 116.1408, 116.1410, 116.1414, 116.1416, 116.1418, 116.1420, 116.1422, 116.1424, 116.1426 and 116.1428; and 30 TAC Chapter 39, §§ 39.402(a)(10), 39.419(e)(3), and 39.420(h), as revisions to the SIP.

On December 11, 2013, the commission withdrew all sections of 30 TAC Chapter 116, Subchapter L, Permits for Specific Designated Facilities, from EPA consideration as a revision to the SIP. In addition, the commission withdrew 30 TAC Chapter 39, §§ 39.402(a)(10), 39.419(e)(3), and 39.420(h) as revisions to the SIP. Therefore, the commission opposes the proposed approval of any of the referenced sections as a revision to the Texas SIP. Please find attached a copy of the commission order further detailing the SIP withdrawal actions the commission approved on December 11, 2013.

U.S. Environmental Protection Agency
Page 2

Re: Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by
Permits for New Construction or Modification; Permits for Specific Designated Facilities

If you have any questions concerning these comments, please contact Mr. Michael Wilson, P.E., Director, Air Permits Division, Office of Air, (512) 239-1922, or at mike.wilson@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zak Covar', with a stylized, flowing script.

Zak Covar
Executive Director

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOCKET NO. 2013-2092-SIP

DEC 17 2013

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY
6000 CAMPUS DRIVE
AUSTIN, TEXAS 78757

**ORDER ADOPTING WITHDRAWAL OF RULES
FROM CONSIDERATION AS REVISIONS TO THE SIP**

Docket No. 2013-2092-SIP

Project No. 2014-009-SIP-NR

On December 11, 2013, the Texas Commission on Environmental Quality (Commission) adopted the withdrawal of the following rules in 30 Texas Administrative Code from consideration by the United States Environmental Protection Agency (EPA) as revisions to the State Implementation Plan.

Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Subchapter L, Permits for Specific Designated Facilities, §§ 116.1400, 116.1402, 116.1404, 116.1406, 116.1408, 116.1410, 116.1414, 116.1416, 116.1418, 116.1420, 116.1422, 116.1424, 116.1426 and 116.1428, adopted on February 22, 2006 as Rule Project No. 2005-053-091-PR and submitted to EPA on March 9, 2006;

Chapter 39, Public Notice, §§ 39.402(a)(10), 39.419(e)(3), and 39.420(h), adopted on June 2, 2010 as part of Rule Project No. 2010-004-039-LS and submitted to EPA on July 2, 2010;

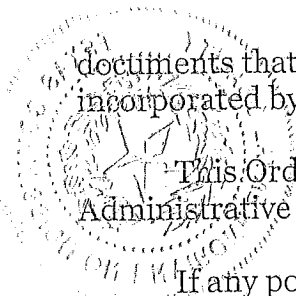
Chapter 101, General Air Quality Rules, § 101.28, adopted on December 1, 1999 as part of Rule Project No. 99017-101-AI and submitted to EPA on December 17, 1999;

Chapter 122, Federal Operating Permits Program, §§ 122.215, and 122.218, adopted May 9, 2001 as part of Rule Project No. 2000-043-122-AI and submitted to EPA October 4, 2001;

Chapter 122, Federal Operating Permits Program, § 122.216, amended May 9, 2001 as part of Rule Project No. 2000-043-122-AI and submitted to EPA October 4, 2001; and

Chapter 122, Federal Operating Permits Program, § 122.217, as amended on November 20, 2002 as part of Rule Project No. 2002-043-122-AI and submitted to EPA on August 11, 2003.

IT IS THEREFORE ORDERED BY THE COMMISSION that these rules are hereby withdrawn from submission to EPA. The submitted rules and accompanying



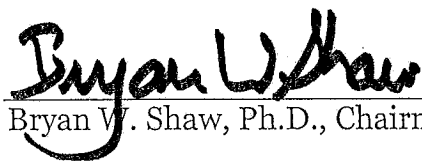
documents that were submitted to EPA, including the preambles to the rules, are incorporated by reference in this Order as if set forth at length verbatim in this Order.

This Order constitutes the Order of the Commission required by the Administrative Procedure Act, Government Code, § 2001.033.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Date Issued: DEC 13 2013

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Bryan V. Shaw, Ph.D., Chairman