

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*

November 22, 2013

Mr. Rick Barrett  
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-2011-0202

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

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered Facilities

Dear Mr. Barrett:

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 October 25, 2013, issue of the *Federal Register* entitled: "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered Facilities."

TCEQ supports the EPA's proposed approval of the rules identified in the notice as revisions to the Texas State Implementation Plan (SIP), with the exception of Title 30 Texas Administrative Code (TAC) § 116.803, Additional Requirements for Existing Facility Flexible Permit Applications. On September 24, 2013, the commission withdrew 30 TAC § 116.803 from EPA consideration as a revision to the SIP, as part of a larger set of SIP actions related to the TCEQ's Flexible Permit Program. Therefore, the commission does not support the proposed approval of 30 TAC § 116.803 as a revision to the Texas SIP. Please find attached a copy of the transmittal letter and commission order detailing the SIP actions the commission approved on September 24, 2013.

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](mailto:mike.wilson@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar".

Zak Covar  
Executive Director

Enclosures