

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 29, 2014

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-2014-0191

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

Approval and Promulgation of Implementation Plans; Texas; Revisions to the Minor New Source Review (NSR) State Implementation Plan (SIP); Types of Standard Permits, State Pollution Control Project Standard Permit and Control Methods for the Permitting of Grandfathered and Electing Electric Generating Facilities

Dear Ms. Wiley:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the U.S. Environmental Protection Agency's (EPA) notice published in the April 1, 2014, issue of the *Federal Register* entitled: "Approval and Promulgation of Implementation Plans; Texas; Revisions to the Minor New Source Review (NSR) State Implementation Plan (SIP); Types of Standard Permits, State Pollution Control Project Standard Permit and Control Methods for the Permitting of Grandfathered and Electing Electric Generating Facilities."

EPA's notice proposes SIP approval of the following revisions submitted by TCEQ (1) on January 3, 2000, and March 11, 2011, expanding the Texas Standard Permit (SP) Program to include rule standard permits; (2) on February 1, 2006, establishing that the Rule SP for Pollution Control Projects (PCP) meets the requirements for a Minor NSR SIP revision; and (3) on January 3, 2000, a severable rule establishing certain control requirements for the Texas Senate Bill 7 permitting program for grandfathered and electing electric generating facilities.

TCEQ concurs with EPA's determination that 30 Tex. Admin. Code §§ 116.601(a)(1), 116.617, and 116.911(a)(2) meet the applicable requirements of the Federal Clean Air Act for Minor NSR under 40 CFR Part 51, and expects that this approval will resolve the

Ms. Adina Wiley, U.S. Environmental Protection Agency

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litigation related to these rules. TCEQ appreciates the discussion that clarifies that the permitting program for standard permits adopted via the rulemaking process and codified in rule is SIP-approved. Therefore, TCEQ supports the approval of these rule sections as revisions to the Texas SIP.

In addition, TCEQ appreciates EPA's acknowledgment in this notice that the non-rule PCP SP adopted in February 2011 is a part of Texas' SIP-approved Minor NSR permit program.

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 "R. A. Hyde".

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality