

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 21, 2015

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

Attn: Docket No. EPA-R06-OAR-2015-0033

Re: Title 40 Code of Federal Regulations (CFR) Part 52
Approval and Promulgation of Implementation Plans; Texas; Public Participation for
Air Quality Permit Applications.

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 March 30, 2015, issue of the *Federal Register* (FR) entitled: "Approval and Promulgation of Implementation Plans; Texas; Public Participation for Air Quality Permit Applications." The EPA's direct final action approves into the Texas State Implementation Plan (SIP) certain rules pertaining to public notice applicability provisions for Plantwide Applicability Limit (PAL) permit applications and applications for standard permits for concrete batch plants without enhanced controls. Specifically, the EPA is approving Title 30 Texas Administrative Code (TAC) § 39.402(a)(8) and 30 TAC § 39.402(a)(11). In addition, the EPA's direct final action converts the conditional approval of the public notice applicability provisions for applications for new and amended flexible permits at 30 TAC § 39.402(a)(4) and (a)(5) to a final full approval. The rule changes which the EPA is approving in this direct final rule were submitted to the EPA for approval on July 2, 2010. The TCEQ offers the following brief comments on this direct final rule.

The TCEQ concurs with the EPA's conclusion that the public participation provisions that the EPA is approving into the SIP in this action are consistent with all applicable federal requirements for public notice for PAL permit applications and minor New Source Review (NSR) permitting. The TCEQ supports the EPA's approval of these rules into the Texas SIP.

U.S. Environmental Protection Agency

Page 2

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The preamble to this direct final rule notes that the EPA will address the conversion of the remainder of the conditionally-approved Texas Flexible Permit Program (FPP) to a full approval in a separate rulemaking. The TCEQ agrees with the EPA's findings in the December 31, 2014, proposed final approval that the FPP rules as submitted are properly structured according to the requirements of the Texas Administrative Procedure Act and the Texas Administrative Code, meet all applicable requirements for federal minor NSR and the Federal Clean Air Act, and thus, can be approved as part of the Texas SIP. The TCEQ looks forward to the conversion of the conditional approval of the FPP rules to a final full approval.

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 "Richard A. Hyde". The signature is written in a cursive, flowing style.

Richard A. Hyde, P.E.
Executive Director