

**COMMENTS BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
REGARDING THE PROPOSED APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS; TEXAS; REASONABLY AVAILABLE CONTROL  
TECHNOLOGY FOR THE 2008 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY  
STANDARD**

**DOCKET ID NO. EPA-R06-OAR-2015-0496**

**I. Summary**

On July 19, 2017, the United States (U.S.) Environmental Protection Agency (EPA) published in the *Federal Register* a proposed rule conditionally approving revisions to the Texas state implementation plan (SIP) addressing nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) for the Martin Marietta (formerly Texas Industries, Inc., or TXI) cement manufacturing plant in Ellis County. The EPA also proposed to fully approve SIP revisions addressing NO<sub>x</sub> RACT for all other affected sources in the 10-county Dallas-Fort Worth (DFW) 2008 eight-hour ozone nonattainment area, in addition to NO<sub>x</sub> RACT negative declarations for area.

The Texas Commission on Environmental Quality (TCEQ) provides the following comments on the proposed rule.

**II. Comments**

**The EPA should clarify that in addition to an agreed order, there are other potential options for an enforceable mechanism to assure that Martin Marietta is satisfying NO<sub>x</sub> RACT.**

The proposed DFW NO<sub>x</sub> RACT conditional approval contains the following sentence (page 33029): *"The commitment letter states that through an agreed order between TCEQ and MM, certain conditions of MM's air permit, concerning the NO<sub>x</sub> emission limitation of 1.95 lb/ton of clinker produced from kiln #5, will be incorporated into a future revision to the Texas SIP."*

The July 29, 2016 TCEQ commitment letter to the EPA referenced above mentioned options other than an agreed order available for the TCEQ to pursue. Accordingly, the TCEQ requests that the EPA revise the description to more accurately reflect the content of the TCEQ's letter. Specifically, the EPA should acknowledge in the description that the TCEQ's letter contained a commitment to prepare a SIP revision for consideration by the commission to incorporate the emission limit for Martin Marietta Kiln #5 into the SIP through a federally enforceable mechanism, such as a voluntary agreed order between the TCEQ and Martin Marietta or through rulemaking.