

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 4, 2008

Richard E. Greene, Regional Administrator
U.S. Environmental Protection Agency -- Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mayor Greene:

In response to the guidance issued by the United States Environmental Protection Agency (EPA) on October 2, 2007, "Guidance on State Implementation Plan (SIP) Elements Required Under 110(a)(1) and (2) for the 1997 Eight-Hour Ozone and PM_{2.5} National Ambient Air Quality Standard," the EPA has requested that states certify that existing SIPs contain infrastructure provisions that address the requirements of the eight-hour and PM_{2.5} National Ambient Air Quality Standards. At the request of EPA Region 6 staff, the Texas Commission on Environmental Quality (TCEQ) submitted a letter to EPA Region 6 on December 12, 2007, regarding eight-hour ozone SIP revisions. In late December, the EPA requested additional information regarding the infrastructure elements of 110(a)(1) and (2).

Based on the supporting documentation enclosed with this letter, Texas has addressed any potential infrastructure issue associated with ozone and PM_{2.5} and fulfilled its infrastructure SIP obligations. If you have any questions or would like any additional information, please contact David C. Schanbacher, P.E., Chief Engineer, at (512) 239-1228 or Stephanie Bergeron Perdue, Deputy Director, at (512) 239-0615.

Sincerely,

A handwritten signature in cursive script that reads "Buddy Garcia".

Buddy Garcia
Chairman

Enclosure

cc: Carl Edlund, EPA Region 6
Thomas Diggs, EPA Region 6
Guy Donaldson, EPA Region 6
Carl Young, EPA Region 6

State Implementation Plan (SIP) Infrastructure Requirements of Federal Clean Air Act (FCAA) § 110(a)(2)

§110(a)(2) of the Clean Air Act provides requirements for all state implementation plans regarding the national ambient air quality standards (NAAQS) for ozone and particulate matter. On the following pages each subparagraph of §110(a)(2) from (A) through (M) is listed, with various provisions supporting the requirements. The federally enforceable State Implementation Plan (SIP) for Texas is documented at 40 Code of Federal Regulations (CFR) Part 52, Subpart SS.

Texas Statutory Authority

The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain and enforce the NAAQS. Texas' legal authority has been submitted to the EPA as part of various SIP revisions and approved by the EPA.

Background

The first air pollution control act, known as the Clean Air Act of Texas, was passed by the Texas Legislature in 1965. In 1967, the Clean Air Act of Texas was superseded by a more comprehensive statute, the Texas Clean Air Act (TCAA), found in Article 4477-5, Vernon's Texas Civil Statutes. The Legislature amended the TCAA in 1969, 1971, 1973, 1979, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007. In 1989, the TCAA was codified as Chapter 382 of the Texas Health & Safety Code.

Originally, the TCAA stated that the Texas Air Control Board (TACB) is the state air pollution control agency and is the principal authority in the state on matters relating to the quality of air resources. In 1991, the Legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). With the creation of the TNRCC, the authority over air quality is found in both the Texas Water Code and the TCAA. Specifically, the authority of the commission is found in Texas Water Code Chapters 5 and 7. Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization and general powers and duties of the commission, and the responsibilities and authority of the Executive Director. This Chapter also authorizes the commission to implement action when emergency conditions arise and to conduct hearings. Chapter 7 gives the commission enforcement authority. In 2001, the 77th Texas Legislature continued the existence of the commission until September 1, 2013, and changed the name of the TNRCC to the Texas Commission on Environmental Quality (TCEQ).

The TCAA specifically authorizes the TCEQ to establish the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize the TCEQ to collect information to enable the commission to develop an inventory of emissions; conduct research and investigations; enter property and examine records; prescribe monitoring requirements; institute enforcement proceedings; enter into contracts and execute instruments; formulate rules; issue orders taking into consideration

factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; conduct hearings; establish air quality control regions; encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the Federal Government; and establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as the TCEQ to enter property and make inspections. They also may make recommendations to the Commission concerning any action of the TCEQ that affects their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA or the rules or orders of the Commission.

Subchapters G and H of the TCAA authorize the TCEQ to establish vehicle inspection and maintenance programs in certain areas of the state, consistent with the requirements of the federal Clean Air Act; coordinate with federal, state and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; and fund and authorize participating counties to implement vehicle repair assistance, retrofit and accelerated vehicle retirement programs.

STATUTORY AUTHORITY

The following statutory authority allows for the establishment and operation of the TCEQ and the adoption and implementation of all § 110(a)(2) requirements.

Texas Clean Air Act, Tex. Health & Safety Code, Chapter 382, except Subchapter I.

Texas Water Code:

§ 5.013(a)(11) & (13)	GENERAL JURISDICTION OF COMMISSION
§ 5.051.	COMMISSION
§ 5.052.	MEMBERS OF THE COMMISSION; APPOINTMENT
§ 5.053.	ELIGIBILITY FOR MEMBERSHIP
§ 5.054.	REMOVAL OF COMMISSION MEMBERS
§ 5.059.	CONFLICT OF INTEREST
§ 5.060.	LOBBYIST PROHIBITION
§ 5.101	SCOPE OF SUBCHAPTER
§ 5.102	GENERAL POWERS
§ 5.103	RULES
§ 5.104.	MEMORANDA OF UNDERSTANDING
§ 5.105	GENERAL POLICY
§ 5.106	BUDGET APPROVAL
§ 5.107	ADVISORY COMMITTEES, WORK GROUPS, AND TASK FORCES
§ 5.117	MANDATORY ENFORCEMENT HEARING

§ 5.120	CONSERVATION AND QUALITY OF ENVIRONMENT
§ 5.133	ACTIONS IN MEXICO
§ 5.1733.	ELECTRONIC POSTING OF INFORMATION
§ 5.223	ADMINISTRATIVE ORGANIZATION OF COMMISSION
§ 5.230	ENFORCEMENT
§ 5.233	GIFTS AND GRANTS
§ 5.237.	OPERATING FUND
§ 5.501.	EMERGENCY AND TEMPORARY ORDER OR PERMIT; TEMPORARY SUSPENSION OR AMENDMENT OF PERMIT CONDITION
§ 5.502.	APPLICATION FOR EMERGENCY OR TEMPORARY ORDER
§ 5.514.	ORDER ISSUED UNDER AIR EMERGENCY.
§ 5.515.	EMERGENCY ORDER BECAUSE OF CATASTROPHE
§ 5.701(a)	FEEES
§ 5.702	PAYMENT OF FEES REQUIRED WHEN DUE
§ 5.703	FEE ADJUSTMENTS
§ 5.704	NOTICE OF CHANGE IN PAYMENT PROCEDURE
§ 5.705	NOTICE OF VIOLATION
§ 7.002	ENFORCEMENT AUTHORITY
§ 7.032	INJUNCTIVE RELIEF
§ 7.051	ADMINISTRATIVE PENALTY
§ 7.052	MAXIMUM PENALTY
§ 7.053	FACTORS TO BE CONSIDERED IN DETERMINATION OF PENALTY AMOUNT
§ 7.061	PAYMENT OF PENALTY; PETITION FOR REVIEW
§ 7.066	REFERRAL TO ATTORNEY GENERAL
§ 7.067	SUPPLEMENTAL ENVIRONMENTAL PROJECTS
§ 7.072	RECOVERY OF PENALTY
§ 7.073	CORRECTIVE ACTION
§ 7.101	VIOLATION
§ 7.102	MAXIMUM PENALTY
§ 7.103	CONTINUING VIOLATIONS
§ 7.105	CIVIL SUIT
§ 7.106	RESOLUTION THROUGH ADMINISTRATIVE ORDER
§ 7.177	VIOLATIONS OF CLEAN AIR ACT
§ 7.178	FAILURE TO PAY FEES UNDER CLEAN AIR ACT
§ 7.179	FALSE REPRESENTATIONS UNDER CLEAN AIR ACT
§ 7.180	FAILURE TO NOTIFY UNDER CLEAN AIR ACT
§ 7.181	IMPROPER USE OF MONITORING DEVICE
§ 7.182	RECKLESS EMISSION OF AIR CONTAMINANT AND ENDANGERMENT
§ 7.183	INTENTIONAL OR KNOWING EMISSION OF AIR CONTAMINANT AND KNOWING ENDANGERMENT

§ 7.186	SEPARATE OFFENSES
§ 7.187	PENALTIES
§ 7.302	GROUND FOR REVOCATION OR SUSPENSION OF PERMIT

REGULATORY AUTHORITY

The TCEQ has promulgated rules implementing statutory authority to meet the requirements of both the Federal Clean Air Act and the Texas Clean Air Act. These rules were submitted to EPA in various SIP revisions and have been approved in the *Federal Register*, or are pending EPA review. Rules that are relevant for each § 110(a)(2) requirement are noted below.

§110(a)(2)(A)

EPA Requirement:

Include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance.

Texas requirement:

The TCEQ has promulgated rules to implement and enforce the NAAQS and other air quality standards. These rules include programs for banking and trading of emissions, as well as permits and fees. Periodic revisions to the SIP establish timetables and schedules for improving the air quality in the nonattainment areas, and areas that may become nonattainment for ozone.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

Chap. 7	Memoranda of Understanding
Chap. 101	General Air Quality Rules
Chap. 106	Permits by Rule, Subchapter A, General Requirements
Chap. 111	Control of Air Pollution from Visible Emissions and Particulate Matter
Chap. 112	Control of Air Pollution from Sulfur Compounds
Chap. 113	Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants
Chap. 114	Control of Air Pollution from Motor Vehicles
Chap. 115	Control of Air Pollution from Volatile Organic Compounds
Chap. 116	Control of Air Pollution by Permits for New Construction or Modification
Chap. 117	Control of Air Pollution from Nitrogen Compounds
Chap. 118	Control of Air Pollution Episodes

§110(a)(2)(B)

EPA Requirement:

Provide for establishment and operation of devices, methods, systems, and procedures to: (i) monitor, compile, and analyze data on ambient air quality, and (ii) make such data available to EPA.

Texas requirement:

The TCEQ maintains a network of air quality monitors to collect air emissions data that is reported to the EPA on a regular basis.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 101 General Air Quality Rules
- Chap. 106 Permits by Rule, Subchapter A, General Requirements
- Chap. 111 Control of Air Pollution from Visible Emissions and Particulate Matter
- Chap. 112 Control of Air Pollution from Sulfur Compounds
- Chap. 115 Control of Air Pollution from Volatile Organic Compounds
- Chap. 116 Control of Air Pollution by Permits for New Construction or Modification
- Chap. 117 Control of Air Pollution from Nitrogen Compounds

§110(a)(2)(C)

EPA Requirement:

Include a program to provide for enforcement of measures in § 110(a)(2)(A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in parts C and D.

Texas requirement:

TCEQ has established rules governing the enforcement of control measures, including attainment plans and permitting programs that regulate construction and modification of stationary sources.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 35 Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Subchapters A, B, C, K
- Chap. 101 General Air Quality Rules
- Chap. 106 Permits by Rule, Subchapter A, General Requirements
- Chap. 112 Control of Air Pollution from Sulfur Compounds

Chap. 115	Control of Air Pollution from Volatile Organic Compounds
Chap. 116	Control of Air Pollution by Permits for New Construction or Modification
Chap. 117	Control of Air Pollution from Nitrogen Compounds

§110(a)(2)(D)

EPA Requirement:

- (i) Contain adequate provisions prohibiting any source or other type of emissions activity from emitting any air pollutant in amounts which will:
 - (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard.
 - (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility.
- (ii) Insure compliance with the applicable requirements of §§ 126¹ and 115² (interstate and international pollution abatement).

Texas requirement:

Texas is included in the Clean Air Interstate Rule (CAIR) for PM2.5, but not for Ozone, and has submitted to the EPA a SIP revision to implement CAIR. The TCEQ is currently

1 §126 (a) Each plan shall (1) require each major proposed new or modified source (A) subject to Part C or (D) which may significantly contribute to pollution in excess of the NAAQS in any AQCR outside the State in which such source intends to locate or modify, to provide written notice to all nearby States the pollution levels of which may be affected by such source 60 days prior to the date on which commencement of construction is to be permitted by the State, and (2) identify all major existing stationary sources which may have the impact described in (1) with respect to new or modified sources and provide notice to all nearby States of the identity of such sources. (b) Any State may petition EPA for a finding that any major source or group of stationary sources emits or would emit any pollutant in violation of the prohibition of § 110(a)(2)(D)(ii) or this section. (c) Notwithstanding any permit which may have been granted by the State, it shall be a violation of this section and the plan - (1) for any major proposed new or modified source with respect to which a finding has been made under subsection (b) to be constructed or to operate in violation of this section and the prohibition of § 110(a)(2)(D)(ii) or this section, or (2) for any major existing source to operate more than 3 months after such finding has been made. EPA may permit the continued operation of a source beyond the expiration of the 3-month period if the source complies with the emission limitations and compliance schedules as may be provided by EPA to bring about compliance with the requirements of § 110(a)(2)(D)(ii). Nothing shall be construed to preclude any such source from being eligible for an enforcement order under § 113(d) after the expiration of such period during which EPA has permitted continuous operation.

2 § 115 (a) Whenever EPA, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any pollutants emitted in the US cause or contribute to pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests it to do so, EPA shall give formal notification to the Governor of the State in which such emissions originate. (b) The EPA notice shall be deemed to be a finding under § 110(a)(2)(H)(ii) which requires a plan revision with respect to so much of the applicable plan as is inadequate to prevent or eliminate the endangerment. Any foreign country so affected by such emission of pollutants shall be invited to appear at any public hearing associated with any revision of the appropriate portion of the applicable plan. (c) This section shall apply only to a foreign country which EPA determines has given the US the same rights with respect to the prevention or control of air pollution occurring in that country. (d) Recommendations issued following any abatement conference conducted prior to CAA 1977 shall remain in effect with respect to any pollutant for which no NAAQS has been established under § 109 unless EPA, after consultation with all agencies, which were party to the conference, rescinds any such recommendation.

in the process of revising the CAIR SIP and rule to account for federal rule revisions and state legislative changes. Additionally, since Texas was not included in the CAIR for ozone, the TCEQ is preparing a SIP revision relating to Transport in compliance with EPA's Finding of Failure to Submit.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 101 General Air Quality Rules
- Chap. 122 Subchapter E, Division 2, Clean Air Interstate Rule
- Chap. 122 Subchapter E, Division 3, Clean Air Mercury Rule

§110(a)(2)(E)

EPA Requirement:

Provide:

- (i) necessary assurances that the State will have adequate personnel, funding, and authority under State law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such plan).
- (ii) Requirements that the State comply with the requirements respecting State boards under § 128.³
- (iii) Necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.

Texas requirement:

The TCEQ has consistently included assurances in SIP revisions that the State has adequate personnel, funding, and authority under State law to carry out the SIP. The TCEQ has various Memoranda of Understanding with other state and local agencies. Local governments have their own responsibilities and privileges regarding the protection of air quality as established by the Texas legislature.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 7 Memoranda of Understanding
- Chap. 101 General Air Quality Rules
- Chap. 106 Permits by Rule, Subchapter A, General Requirements

³ § 128 (a) each plan shall contain requirements that - (1) any board or body which approves permits or enforcement orders shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders, and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be disclosed. A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of (1) and (2).

Chap. 116 Control of Air Pollution by Permits for New Construction or Modification

§110(a)(2)(F)

EPA Requirement:

Require, as may be prescribed by EPA:

- (i) installation, maintenance, and replacement of equipment, and implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions.
- (ii) Periodic reports on the nature and amounts of emissions and emissions-related data.
- (iii) Correlation of such reports by the State agency with any emission limitations or standards established pursuant to CAA, which reports shall be available at reasonable times for public inspection.

Texas requirement:

The TCEQ requires monitoring for air pollutants as part of its new source review permit program. Certain emission sources are required to submit annual emission inventories, and periodic reporting of emissions, which provides data that is used in air quality modeling to help Texas prepare attainment demonstration plans. Emission data is available at reasonable times for public inspection, with some information also available on the agency web site.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 101 General Air Quality Rules
- Chap. 106 Permits by Rule, Subchapter A, General Requirements
- Chap. 111 Control of Air Pollution from Visible Emissions and Particulate Matter
- Chap. 112 Control of Air Pollution from Sulfur Compounds
- Chap. 115 Control of Air Pollution from Volatile Organic Compounds
- Chap. 116 Control of Air Pollution by Permits for New Construction or Modification
- Chap. 117 Control of Air Pollution from Nitrogen Compounds

§110(a)(2)(G)

EPA Requirement:

Provide for authority comparable to that in § 303⁴ and adequate contingency plans to implement such authority.

Texas requirement:

The TCEQ may issue emergency orders, or issue or suspend air permits as required by an air pollution emergency. In addition the TCEQ also maintains air pollution information in a form readily available to the public on the commission's internet web site at http://www.tceq.state.tx.us/compliance/monitoring/air/monops/forecast_today.html.

Local weather forecasts regularly warn the public about poor air quality days, including ozone alerts in all major metropolitan areas.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- | | |
|-----------|--|
| Chap. 35 | Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Subchapters A, B, C, K |
| Chap. 118 | Control of Air Pollution Episodes |

§110(a)(2)(H)

EPA Requirement:

Provide for revision of such plan:

- (i) from time to time as necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard.
- (ii) except as provided in (3)(C), whenever EPA finds on the basis of information available to EPA that the plan is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional CAA requirements.

⁴ § 303. Notwithstanding any other CAA provisions, EPA upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to public health or welfare, or the environment, may bring suit on behalf of the US in district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of pollutants causing or contributing to such pollution or to take such other action as may be necessary. If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, EPA may issue such orders as may be necessary to protect public health or welfare or the environment. Prior to taking any action, EPA shall consult with appropriate State and local authorities and attempt to confirm the accuracy of the information on which the proposed action is based. Any order issued by EPA shall be effective upon issuance and shall remain in effect for a period of not more than 60 days, unless EPA brings an action pursuant to the first sentence of this section before the expiration of that period. Whenever EPA brings such an action within the 60-day period, such order shall remain in effect for an additional 14 days or longer as authorized by the court.

Texas requirement:

Texas regularly revises its SIP in response to revisions in the NAAQS and EPA rules. See § 110(a)(2)(A), above.

§110(a)(2)(J)

EPA Requirement:

- Meet applicable requirements of § 121⁵ (consultation);
- Meet applicable requirements of § 127⁶ (public notification);
- Meet applicable requirements of Part C (PSD and visibility protection).

Texas requirement:

Texas has an established public participation process for all SIP revisions and permitting programs. The TCEQ consults with other state agencies, local agencies, and non-governmental organizations, as well as with the environmental agencies of other states regarding air quality concerns. All major sources in Texas are subject to Texas' SIP approved PSD program. Texas is currently preparing a SIP revision to address Regional Haze, including a long-term strategy to address visibility impairment for each Class I area that may be impacted by emissions from Texas facilities.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

- Chap. 7 Memoranda of Understanding
- Chap. 35 Emergency and Temporary Orders and Permits; Temporary
Suspension or Amendment of Permit Conditions; Subchapters H & K
- Chap. 101 General Air Quality Rules
- Chap. 116 Control of Air Pollution for New Construction or Modification

⁵ § 121. In carrying out requirements for plans to contain - (1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of pollution, or (2) any measure referred to - (A) in part D), or (B) in part C, and in carrying out the requirements of § 113(d), the State shall provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any FLM having authority over Federal land to which the State plan applies. Such process shall be in accordance with regulations promulgated by EPA. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of EPA approving any portion of a plan may petition for judicial review.

⁶ § 127. (a) Each plan shall contain measures to regularly notify the public of when any NAAQS is exceeded or was exceeded during the preceding year, to advise the public of health hazards associated with such pollution, and to enhance awareness of measures which can be taken to prevent the standards from being exceeded and ways in which the public can participate in regulatory and other efforts to improve air quality.

§110(a)(2)(K)

EPA Requirement:

- (i) Provide for performance of air quality modeling as EPA may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which EPA has established a NAAQS.
- (ii) Provide for the submission, upon request, of data related to such air quality modeling to EPA.

Texas requirement:

Air quality modeling is conducted during development of revisions to the Texas SIP, as appropriate for the state to demonstrate attainment with required air quality standards. Modeling is also a part of the new source review permitting program.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

Chap. 116 Control of Air Pollution for New Construction or Modification

§110(a)(2)(L)

EPA Requirement:

Require owner of a major stationary source to pay, as a condition of any permit required under CAA, a fee sufficient to cover: (i) reasonable cost of reviewing and acting upon any permit application, and (ii) if the owner receives a permit, the reasonable costs of implementing and enforcing the terms and conditions of the permit (not including court costs or costs associated with enforcement), until fee requirement is superseded by EPA approval of a Title V fee program.

Texas requirement:

TCEQ assesses fees for reviewing permit applications and for enforcing the terms and conditions of permits.

The following chapters of Title 30, Texas Administrative Code (TAC), contain rules relevant for this federal requirement:

Chap. 12 Payment of Fees
Chap. 101 General Air Quality Rules
Chap. 106 Permits by Rule, Subchapter A, General Requirements
Chap. 116 Control of Air Pollution by Permits for New Construction
 or Modification

§110(a)(2)(M)

EPA Requirement:

Provide for consultation and participation by local political subdivisions affected by the plan.

Texas requirement:

The TCEQ has several cooperative agreements and Memoranda of Understanding with various other state and local agencies and organizations. Consultation with a variety of different organizations is a regular part of TCEQ's process of developing SIP revisions.