

The Texas Commission on Environmental Quality (commission) proposes amendments to §§113.100, 113.110, 113.120, 113.130, 113.140, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.460, 113.470, 113.480, 113.490, 113.530, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.750, 113.770, 113.790, and 113.810. The commission also proposes new §§113.105, 113.106, 113.880, 113.890, 113.920, 113.940, 113.960, 113.980, 113.990, 113.1000, 113.1010, 113.1060, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1270, 113.1280, and 113.1290.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The proposed amendments to Chapter 113 would incorporate amendments that the United States Environmental Protection Agency (EPA) has made to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, under 40 Code of Federal Regulations (CFR) Part 63. These are technology-based standards commonly referred to as the maximum achievable control technology (MACT) standards. In addition, the proposed new sections would incorporate by reference 29 MACT standards and two general MACT requirements that have not been previously incorporated into Chapter 113. The EPA is developing these national standards to regulate emissions of hazardous air pollutants under the Federal Clean Air Act (FCAA), §112, as codified in 42 United States Code (USC), §7412.

Under federal law, affected industries are required to implement the MACT standards regardless of whether the commission or the EPA is the agency responsible for implementation. As MACT standards are promulgated or amended by the EPA, they are reviewed for compatibility with current commission regulations and policies. The commission then incorporates them into Chapter 113 through formal rulemaking procedures. After each MACT standard or amendment is adopted, the commission will seek formal delegation from the EPA under 40 CFR Part 63, Subpart E, which implements 42 USC, §7412(1). Upon delegation, the commission will be responsible for administering and enforcing the MACT requirements.

The commission proposes to incorporate amendments that the EPA has made to the 40 CFR Part 63 General Provisions and 49 of the federal MACT standards previously incorporated into the commission rules by updating the federal promulgation dates and Federal Register (FR) citations stated in the commission rules. The standards, along with their corresponding Chapter 113 sections and original incorporation date, are listed in the following table.

**Figure: 30 TAC Chapter 113 Preamble-1**

| 40 CFR Part 63<br>Subpart<br>(Chapter 113, Section) | Section Title   | Original Incorporation<br>(Commission Adoption) |
|---|---|---|
| A (§113.100)  | General Provisions  | June 25, 1997                                   |
| F (§113.110)  | Synthetic Organic Chemical Manufacturing Industry   | June 25, 1997                                   |
| G (§113.120 )                                       | Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater | June 25, 1997                                   |
| H (§113.130)  | Organic Hazardous Air Pollutants for Equipment Leaks  | June 25, 1997                                   |
| I (§113.140)  | Certain Processes Subject to the Negotiated Regulations for Equipment Leaks   | June 25, 1997                                   |
| L (§113.170)  | Coke Oven Batteries   | July 14, 1999                                   |
| M (§113.180)  | Perchloroethylene Dry Cleaning Facilities   | October 15, 1997                                |
| N (§113.190)  | Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks                          | October 15, 1997                                |
| O (§113.200)  | Ethylene Oxide Emissions Standards for Sterilization Facilities   | October 15, 1997                                |
| Q (§113.220)  | Industrial Process Cooling Towers   | June 25, 1997                                   |
| R (§113.230)  | Gasoline Distribution Facilities  | June 25, 1997                                   |
| S (§113.240)  | Pulp and Paper Industry   | July 14, 1999                                   |
| T (§113.250)  | Halogenated Solvent Cleaning  | June 25, 1997                                   |
| U (§113.260)  | Group I Polymers and Resins   | October 7, 1998                                 |
| W (§113.280)  | Epoxy Resins Production and Non-Nylon Polyamides Production   | October 15, 1997                                |
| X (§113.290)  | Secondary Lead Smelting   | June 25, 1997                                   |

| 40 CFR Part 63<br>Subpart<br>(Chapter 113, Section) | Section Title  | Original Incorporation<br>(Commission Adoption) |
|---|--|---|
| Y (§113.300)  | Marine Vessel Loading  | June 25, 1997                                   |
| AA (§113.320)                                       | Phosphoric Acid Manufacturing Plants   | June 14, 2000                                   |
| BB (§113.330)                                       | Phosphate Fertilizers Production Plants  | June 14, 2000                                   |
| CC (§113.340)                                       | Petroleum Refineries   | October 15, 1997                                |
| DD (§113.350)                                       | Off-Site Waste and Recovery Operations   | October 7, 1998                                 |
| EE (§113.360)                                       | Magnetic Tape Manufacturing Operations   | June 25, 1997                                   |
| GG (§113.380)                                       | Aerospace Manufacturing and Rework Facilities  | October 15, 1997                                |
| HH (§113.390)                                       | Oil and Natural Gas Production Facilities  | June 14, 2000                                   |
| II (§113.400)                                       | Shipbuilding and Ship Repair (Surface Coating)   | October 7, 1998                                 |
| JJ (§113.410)                                       | Wood Furniture Manufacturing Operations  | July 14, 1999                                   |
| KK (§113.420)                                       | Printing and Publishing  | October 7, 1998                                 |
| LL (§113.430)                                       | Primary Aluminum Reduction Plants  | July 14, 1999                                   |
| MM (§113.440)                                       | Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitite, and Stand-Alone Semicemical Pulp Mills | June 18, 2003                                   |
| OO (§113.460)                                       | Tanks Level 1  | July 14, 1999                                   |
| PP (§113.470)                                       | Containers   | July 14, 1999                                   |
| QQ (§113.480)                                       | Surface Impoundments   | July 14, 1999                                   |
| RR (§113.490)                                       | Individual Drain Systems   | July 14, 1999                                   |
| VV (§113.530)                                       | Oil Water Separators and Organic-Water Separators  | July 15, 1999                                   |
| CCC (§113.600)                                      | Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants                      | June 14, 2000                                   |
| DDD (§113.610)                                      | Mineral Wool Production  | June 14, 2000                                   |
| EEE (§113.620)                                      | Hazardous Waste Combustors   | July 14, 1999                                   |

| 40 CFR Part 63<br>Subpart<br>(Chapter 113, Section) | Section Title   | Original Incorporation<br>(Commission Adoption) |
|---|---|---|
| GGG (§113.640)                                      | Pharmaceuticals Production                                    | July 14, 1999                                   |
| HHH (§113.650)                                      | Natural Gas Transmission and Storage Facilities               | June 14, 2000                                   |
| III (§113.660)                                      | Flexible Polyurethane Foam Production                         | July 14, 1999                                   |
| JJJ (§113.670)                                      | Group IV Polymers and Resins                                  | October 7, 1998                                 |
| LLL (§113.690)                                      | Portland Cement Manufacturing Industry                        | June 14, 2000                                   |
| MMM (§113.700)                                      | Pesticide Active Ingredient Production                        | June 14, 2000                                   |
| NNN (§113.710)                                      | Wool Fiberglass Manufacturing                                 | June 14, 2000                                   |
| OOO (§113.720)                                      | Manufacture of Amino/Phenolic Resins                          | June 14, 2000                                   |
| PPP (§113.730)                                      | Polyether Polyols Production                                  | June 14, 2000                                   |
| RRR (§113.750)                                      | Secondary Aluminum Production                                 | June 18, 2003                                   |
| TTT (§113.770)                                      | Primary Lead Smelting   | June 14, 2000                                   |
| VVV (§113.790)                                      | Publicly Owned Treatment Works                                | June 14, 2000                                   |
| XXX (§113.810)                                      | Ferrous Alloys Production: Ferromanganese and Silicomanganese | June 14, 2000                                   |

The commission also proposes to incorporate by reference, without change, 29 recent federal MACT standards not currently included in Chapter 113. In addition, the commission proposes to incorporate by reference, without change, general provisions related to FCAA, §112(j), as implemented by the EPA under 40 CFR §§63.50 - 63.56 (concerning Applicability, Definitions, Approval Process for New and Existing Emission Units, Application Content for Case-by-Case MACT Determinations, Preconstruction Review Procedures for New Emission Units, MACT Determinations for Emission

Units Subject to Case-by-Case Determination of Equivalent Emission Limitations, and Requirements for Case-by-Case Determination of Equivalent Emission Limitations after Promulgation of a Subsequent MACT Standard). The commission also proposes to incorporate by reference, without change, 40 CFR Part 63 Subpart C, concerning the List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List. These additions are summarized in the following table.

**Figure: 30 TAC Chapter 113 Preamble-2**

| 40 CFR Part 63<br>Subpart<br>(Chapter 113 Section) | Section Title   |
|--|---|
| B (§113.105)                                       | Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act, Section 112(j) |
| C (§113.106)                                       | List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List               |
| EEEE (§113.880)                                    | Organic Liquids Distribution (Non-Gasoline)   |
| FFFF (§113.890)                                    | Miscellaneous Organic Chemical Manufacturing  |
| III (§113.920)                                     | Surface Coating of Automobiles and Light-Duty Trucks  |
| KKKK (§113.940)                                    | Surface Coating of Metal Cans   |
| MMMM (§113.960)                                    | Surface Coating of Miscellaneous Metal Parts and Products   |
| OOOO (§113.980)                                    | Printing, Coating, and Dyeing of Fabrics and Other Textiles   |
| PPPP (§113.990)                                    | Surface Coating of Plastic Parts and Products   |
| QQQQ (§113.1000)                                   | Surface Coating of Wood Building Products   |
| RRRR (§113.1010)                                   | Surface Coating of Metal Furniture  |
| WWWW (§113.1060)                                   | Reinforced Plastic Composites Production  |
| YYYY (§113.1080)                                   | Stationary Combustion Turbines  |

| 40 CFR Part 63<br>Subpart<br>(Chapter 113 Section) | Section Title   |
|--|---|
| ZZZZ (§113.1090)                                   | Stationary Reciprocating Internal Combustion Engines    |
| AAAAA (§113.1100)                                  | Lime Manufacturing Plants                               |
| BBBBB (§113.1110)                                  | Semiconductor Manufacturing                             |
| CCCCC (§113.1120)                                  | Coke Ovens: Pushing, Quenching, and Battery Stacks      |
| EEEEE (§113.1140)                                  | Iron and Steel Foundries                                |
| FFFFF (§113.1150)                                  | Integrated Iron and Steel Manufacturing Facilities      |
| GGGGG (§113.1160)                                  | Site Remediation  |
| HHHHH (§113.1170)                                  | Miscellaneous Coating Manufacturing                     |
| IIIII (§113.1180)                                  | Mercury Emissions from Mercury Cell Chlor-Alkali Plants |
| JJJJJ (§113.1190)                                  | Brick and Structural Clay Products Manufacturing        |
| KKKKK (§113.1200)                                  | Clay Ceramics Manufacturing                             |
| LLLLL (§113.1210)                                  | Asphalt Processing and Asphalt Roofing Manufacturing    |
| MMMMM (§113. 1220)                                 | Flexible Polyurethane Foam Fabrication Operations       |
| NNNNN (§113.1230)                                  | Hydrochloric Acid Production                            |
| PPPPP (§113.1250)                                  | Engine Test Cells/Stands                                |
| RRRRR (§113.1270)                                  | Taconite Iron Ore Processing                            |
| SSSSS (§113.1280)                                  | Refractory Products Manufacturing                       |
| TTTTT (§113.1290)                                  | Primary Magnesium Refining                              |

## SECTION BY SECTION DISCUSSION

### *Subchapter C: National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR 63)*

Throughout the new and amended sections, where needed, the commission proposes to add “Part” to the titles of each section to conform to Texas Register guidelines. Additionally, throughout the proposed amendments, the commission is adding the word “Part” after the phrase “Code of Federal Regulations.” Similarly, where the acronym “CFR” is used in existing sections, it is expanded to the Code of Federal Regulations. These amendments are proposed so that the rule language will conform to commission and Texas Register formatting and style standards.

### *Section 113.100 - General Provisions (40 CFR 63, Subpart A)*

The commission proposes to amend §113.100 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart A made by the EPA since April 12, 1999. During this time frame, EPA amended 40 CFR Part 63 Subpart A on June 10, 1999 (64 FR 31375), October 17, 2000 (65 FR 62215), March 12, 2001 (66 FR 14324), June 8, 2001 (66 FR 30822), July 3, 2001 (66 FR 35087), October 2, 2001 (66 FR 50124), January 29, 2002 (67 FR 4184), February 14, 2002 (67 FR 6986), February 27, 2002 (67 FR 9162), April 5, 2002 (67 FR 16595), June 10, 2002 (67 FR 39812), July 23, 2002 (67 FR 48262), December 4, 2002 (67 FR 72341), February 18, 2003 (68 FR 7713), April 21, 2003 (68 FR 19402), May 6, 2003 (68 FR 23898), May 20, 2003 (68 FR 27663), May 23, 2003 (68 FR 28619), May 27, 2003 (68 FR 28784), May 28, 2003 (68 FR 31615 and 31760), May 29, 2003 (68 FR 32189), May 30, 2003 (68 FR 32600), June 17, 2003 (68 FR 35792), November 13, 2003 (68 FR 64446), December 19, 2003 (68 FR 70965), January 2, 2004 (69 FR 157), February 3, 2004

(69 FR 5063), April 19, 2004 (69 FR 20990), April 22, 2004 (69 FR 21752), April 26, 2004 (69 FR 22623), and June 15, 2004 (69 FR 33506).

The June 10, 1999 amendments revised 40 CFR §63.14 by incorporating by reference several test methods associated with 40 CFR Part 63, Subparts AA and BB (MACTs for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, respectively).

The October 17, 2000 amendments included numerous editorial and technical changes to testing and monitoring provisions, as well as changes in the format of test methods and performance specifications. These amendments corrected typographical errors, corrected technical errors, updated test methods to more current versions, and removed or revised obsolete narrative material. The affected sections included 40 CFR §63.7, Performance Testing Requirements, §63.11, Control Device Requirements, and §63.14, Incorporations by Reference, as well as various individual test methods in 40 CFR Part 63, Appendix A.

The March 12, 2001 amendments granted Puget Sound Clean Air authority to implement and enforce its perchloroethylene dry cleaning regulation in place of the federal dry cleaning MACT, for area sources in Puget Sound Clean Air's jurisdiction. This action revised 40 CFR §63.14 by incorporating the Puget Sound regulations under 40 CFR §63.14(d)(2).

The June 8, 2001 amendments granted the Delaware Department of Natural Resources and Environmental Control authority to implement and enforce its accidental release prevention regulation

in place of similar federal requirements. This action revised 40 CFR §63.14 by incorporating the Delaware regulations under 40 CFR §63.14(d)(3).

The July 3, 2001 amendments granted the New Jersey Department of Environmental Protection the authority to implement and enforce portions of the State of New Jersey's Toxic Catastrophe Prevention Act Program in place of the Federal Chemical Accident Prevention regulations, promulgated by the EPA under FCAA, §112(r), for all stationary sources with covered processes ("subject sources") under New Jersey's jurisdiction. This action revised 40 CFR §63.14 by incorporating the New Jersey Toxic Catastrophe Prevention Act Program under 40 CFR §63.14(d)(2).

The October 2, 2001 amendments approved certain Delaware Department of Natural Resources and Environmental Control regulations as equivalent to FCAA, §112(d) requirements as set forth in 40 CFR Part 63, Subparts A, M, N, and Q, respectively, for affected sources in the State of Delaware. This action revised 40 CFR §63.14 and §63.99, Delegated Federal Authorities, to reflect the incorporation and federal enforceability of Delaware Department of Natural Resources and Environmental Control's regulations under 40 CFR §63.14(d)(3).

The January 29, 2002 amendments revised 40 CFR §63.13, Addresses of State Air Pollution Control Agencies and EPA Regional Offices, by correcting the address listed for EPA Region III.

The February 14, 2002 amendments revised 40 CFR §63.14 by incorporating by reference American Society of Mechanical Engineers (ASME) standard numbers QHO-1-1994 and QHO-1a-1996

Addenda. This ASME standard is titled “Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators,” and was added as 40 CFR §63.14(i) in conjunction with revisions to 40 CFR Part 63, Subpart EEE (MACT for Hazardous Waste Combustors).

The February 27, 2002 amendments revised 40 CFR §63.14 by adding and reserving §63.14(b)(19) and (20), and incorporating by reference American Society for Testing and Materials (ASTM) method D2099-00 under 40 CFR §63.14(b)(21). This test method was incorporated in conjunction with the addition of 40 CFR Part 63, Subpart TTTT (MACT for Leather Finishing Operations).

The April 5, 2002 amendments to 40 CFR Part 63, Subpart A contained numerous clarifications and changes as a result of settlement negotiations with six petitioners, and various public comments.

Amendments to 40 CFR §63.5, Construction and Reconstruction, streamlined preconstruction review requirements, including a provision to allow state or local agencies to use preconstruction review procedures used for other purposes to satisfy the federal preconstruction review requirements in 40 CFR Part 63, Subpart A. The amendments to 40 CFR §63.6, Compliance with Standards and Maintenance Requirements, added a notification requirement applicable to revisions of startup, shutdown, and malfunction plans, and added more comprehensive reporting requirements associated with malfunction events. The amendments also added language to clarify that startup, shutdown, and malfunction plans are not by themselves part of a facility’s operating permit, such that startup, shutdown, and malfunction plans can be revised without revising the operating permit. The amendments to 40 CFR §63.6 also revised compliance extension provisions, allowing affected sources greater flexibility to request compliance extensions. The amendments to 40 CFR §63.8, Monitoring

Requirements, clarified the owner or operator's obligations with respect to the accessibility of readouts from monitoring systems required for compliance, to ensure that this information is readily accessible to inspectors. The amendments also revised and created numerous definitions under 40 CFR §63.2, Definitions, including revisions to the definition of "affected source" and a definition of "new affected source."

The June 10, 2002 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart SSSS (MACT for Surface Coating of Metal Coil).

The July 23, 2002 amendments revised 40 CFR §63.14 by revising and adding test methods to support 40 CFR Part 63, Subpart NNNN (MACT for Surface Coating of Large Appliances).

The December 4, 2002 amendments revised 40 CFR §63.14 by incorporating a test method to support 40 CFR Part 63, Subpart JJJJ (MACT for Paper and Other Web Coating).

The February 18, 2003 amendments revised 40 CFR §63.14 by revising and updating test methods related to 40 CFR Part 63, Subpart MM (MACT for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills).

The April 21, 2003 amendments revised 40 CFR §63.14 by incorporating a test method (ASTM D6420-99) to support 40 CFR Part 63, Subpart WWWW (MACT for Reinforced Plastic Composites Production).

The May 6, 2003 amendments revised 40 CFR §63.8 by making an administrative correction to §63.8(f).

The May 20, 2003 amendments revised 40 CFR §63.14 by incorporating a test method associated with 40 CFR Part 63, Subpart FFFFF (MACT for Integrated Iron and Steel Manufacturing).

The May 23, 2003 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart RRRR (MACT for Surface Coating of Metal Furniture).

The May 27, 2003 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart PPPPP (MACT for Engine Test Cells/Stands).

The May 28, 2003 amendments (68 FR 31615) granted the New Hampshire Department of Environmental Services the authority to implement New Hampshire Department of Environmental Services' "Management and Control of Asbestos Disposal Sites Not Operated After July 9, 1981" rule in lieu of some sections of the federal asbestos MACT rule. This action revised 40 CFR §63.14 by incorporating the New Hampshire rules under §63.14(d)(5).

The May 28, 2003 amendments (68 FR 31760) revised 40 CFR §63.14 by incorporating test methods associated with 40 CFR Part 63, Subpart QQQQ (MACT for Surface Coating of Wood Building Products).

The May 29, 2003 amendments revised 40 CFR §63.14 by incorporating a test method to support 40 CFR Part 63, Subpart OOOO (MACT for Printing, Coating, and Dyeing of Fabrics and Other Textiles).

The May 30, 2003 amendments revised 40 CFR §63.6 requirements associated with minimization of emissions and startup, shutdown, and malfunction plans, and clarified that startup, shutdown, and malfunction plans must be submitted to the EPA or the permitting authority upon request. The May 30, 2003 amendments also provided for public access to startup, shutdown, and malfunction plans, to be implemented through the permitting authority or by direct on-site inspection of the plan. The amendments also streamlined reporting requirements associated with startup, shutdown, and malfunction events, and added rule language to ensure that deficient startup, shutdown, and malfunction plans are revised to address the specified deficiencies. The amendments also revised the 40 CFR §63.2 definition of “malfunction” to only include events that may cause emission limitations to be exceeded, and expanded the definition of “monitoring” to include data or information collected for purposes of verifying compliance with work practice standards.

The June 17, 2003 amendments revised 40 CFR §63.13 by correcting the address listed for EPA Region VII.

The November 13, 2003 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart KKKK (MACT for Surface Coating of Metal Cans).

The December 19, 2003 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart R (MACT for Gasoline Distribution Facilities).

The January 2, 2004 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart MMMM (MACT for Surface Coating of Miscellaneous Metal Parts and Products).

The February 3, 2004 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart EEEE (MACT for Organic Liquids Distribution (Non-Gasoline)).

The April 19, 2004 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart PPPP (MACT for Surface Coating of Plastic Parts and Products).

The April 22, 2004 amendments implemented a federal Performance Track program, which allows eligible sources to qualify for a reduction in the frequency of reporting.

The April 26, 2004 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart IIII (MACT for Surface Coating of Automobiles and Light-Duty Trucks).

The June 15, 2004 amendments revised 40 CFR §63.14 by incorporating test methods to support 40 CFR Part 63, Subpart ZZZZ (MACT for Stationary Reciprocating Internal Combustion Engines).

*Section 113.105 - Requirements for Control Technology Determinations for Major Sources in*

*Accordance with Clean Air Act Section 112(j) (40 CFR 63, Subpart B, §§63.50 - 63.56)*

The commission proposes new §113.105, which will incorporate by reference, without change, the final promulgated rules and all amendments to 40 CFR §§63.50 - 63.56 adopted by the EPA since May 20, 1994. Proposed §113.105 implements the requirements of FCAA, §112(j), by ensuring control of hazardous air pollutant emissions if the EPA should miss a scheduled MACT promulgation date. FCAA, §112(j) is commonly referred to as the “MACT hammer.” If the EPA fails to promulgate an emission standard by the applicable FCAA, §112(j) deadline, major sources in that source category must submit to their respective state (or local) agencies a permit application to obtain source-specific case-by-case MACT. Conditions of the case-by-case MACT determination must be incorporated into the Title V operating permit.

*Section 113.106 - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 CFR 63, Subpart C)*

The commission proposes new §113.106, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart C adopted by the EPA on June 18, 1996 (61 FR 30823), as amended on August 2, 2000 (65 FR 47348) and November 29, 2004 (69 FR 69325). Incorporation of 40 CFR Part 63, Subpart C into Chapter 113 is necessary because Subpart C is the mechanism by which the list of hazardous air pollutants is updated. The June 18, 1996, amendments deleted caprolactam from the list of hazardous air pollutants and reserved sections 40 CFR §§63.61 - 63.69 for future use. The August 2, 2000, amendments altered the definition of glycol ether compounds

referenced in the list of hazardous air pollutants. The November 29, 2004, amendments deleted ethylene glycol monobutyl ether from the list of hazardous air pollutants.

*Section 113.110 - Synthetic Organic Chemical Manufacturing Industry (40 CFR 63, Subpart F)*

The commission proposes to amend §113.110 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart F made by the EPA since January 22, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart F on June 23, 2003 (68 FR 37344). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.120 - Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 CFR 63, Subpart G)*

The commission proposes to amend §113.120 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart G made by the EPA since January 22, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart G on June 23, 2003 (68 FR 37344). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.130 - Organic Hazardous Air Pollutants for Equipment Leaks (40 CFR 63, Subpart H)*

The commission proposes to amend §113.130 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart H made by the EPA since January 22, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart H on June 23, 2003 (68 FR 37345). The June 23,

2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also slightly rephrased some sections to more clearly separate delegable requirements from non-delegable requirements.

*Section 113.140 - Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (40 CFR 63, Subpart I)*

The commission proposes to amend §113.140 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart I made by the EPA since January 17, 1997. During this time frame, the EPA amended 40 CFR Part 63, Subpart I on June 23, 2003 (68 FR 37345). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.170 - Coke Oven Batteries (40 CFR 63, Subpart L)*

The commission proposes to amend §113.170 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart L made by the EPA since October 17, 2000. During this time frame, the EPA amended 40 CFR Part 63, Subpart L on June 23, 2003 (68 FR 37345). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.180 - Perchloroethylene Dry Cleaning Facilities (40 CFR 63, Subpart M)*

The commission proposes to amend §113.180 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart M made by the EPA since December 14, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart M on June 23, 2003 (68 FR 37347). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.190 - Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR 63, Subpart N)*

The commission proposes to amend §113.190 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart N made by the EPA since December 14, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart N on June 23, 2003 (68 FR 37347) and on July 19, 2004 (69 FR 42894). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions. The July 19, 2004 amendments addressed five technical areas: 1) the use of fume suppressants for controlling chromium emissions from hard chromium electroplating tanks; 2) a revised surface tension limit for decorative chromium electroplating tanks when measuring surface tension with a tensiometer; 3) an alternate emission limit for hard chromium electroplating tanks equipped with enclosing hoods; 4) revised definitions for chromium electroplating and chromium anodizing tanks; and 5) the pressure drop monitoring

requirement for composite mesh pad control systems. The July 19, 2004 amendments affected the emission limits, definitions, compliance provisions, and performance testing requirements of this MACT standard.

*Section 113.200 - Ethylene Oxide Emissions Standards for Sterilization Facilities (40 CFR 63, Subpart O)*

The commission proposes to amend §113.200 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart O made by the EPA since November 2, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart O on June 23, 2003 (68 FR 37348). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.220 - Industrial Process Cooling Towers (40 CFR 63, Subpart Q)*

The commission proposes to amend §113.220 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Q made by the EPA since July 23, 1998. During this time frame, the EPA amended 40 CFR Part 63, Subpart Q on June 23, 2003 (68 FR 37348). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.230 - Gasoline Distribution Facilities (40 CFR 63, Subpart R)*

The commission proposes to amend §113.230 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart R made by the EPA since January 16, 1998. During this time

frame, the EPA amended 40 CFR Part 63, Subpart R on June 23, 2003 (68 FR 37348) and December 19, 2003 (68 FR 70965). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The December 19, 2003 amendments clarified testing, monitoring, and recordkeeping requirements, and added additional flexibility to testing and recordkeeping requirements.

*Section 113.240 - Pulp and Paper Industry (40 CFR 63, Subpart S)*

The commission proposes to amend §113.240 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart S made by the EPA since May 14, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart S on June 27, 2001 (66 FR 34124), October 16, 2001 (66 FR 52538), and June 23, 2003 (68 FR 37348). The June 27, 2001 amendments implemented site-specific emission control requirements for a pulp mill facility in Georgia. The October 16, 2001 amendments contained technical corrections to the June 27, 2001 amendments. The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.250 - Halogenated Solvent Cleaning (40 CFR 63, Subpart T)*

The commission proposes to amend §113.250 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart T made by the EPA since September 8, 2000. During this

time frame, the EPA amended 40 CFR Part 63, Subpart T on June 23, 2003 (68 FR 37349). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.260 - Group I Polymers and Resins (40 CFR 63, Subpart U)*

The commission proposes to amend §113.260 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart U made by the EPA since July 16, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart U on June 23, 2003 (68 FR 37349). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.280 - Epoxy Resins Production and Non-Nylon Polyamides Production (40 CFR 63, Subpart W)*

The commission proposes to amend §113.280 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart W made by the EPA since May 8, 2000. During this time frame, 40 CFR Part 63, Subpart W was amended on June 23, 2003 (68 FR 37350). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.290 - Secondary Lead Smelting (40 CFR 63, Subpart X)*

The commission proposes to amend §113.290 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart X made by the EPA since December 14, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart X on June 23, 2003 (68 FR 37350). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to provide language more consistent with the revised delegation of authority provisions.

*Section 113.300 - Marine Vessel Loading (40 CFR 63, Subpart Y)*

The commission proposes to amend §113.300 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Y made by the EPA since September 19, 1995. During this time frame, the EPA amended 40 CFR Part 63, Subpart Y on June 23, 2003 (68 FR 37350). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.320 - Phosphoric Acid Manufacturing Plants (40 CFR 63, Subpart AA)*

The commission proposes to amend §113.320 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart AA made by the EPA since June 13, 2002. During this time frame, 40 CFR Part 63, Subpart AA was amended on June 23, 2003 (68 FR 37351). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.330 - Phosphate Fertilizers Production Plants (40 CFR 63, Subpart BB)*

The commission proposes to amend §113.330 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart BB made by the EPA since June 13, 2002. During this time frame, 40 CFR Part 63, Subpart BB was amended on June 23, 2003 (68 FR 37351). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.340 - Petroleum Refineries (40 CFR 63, Subpart CC)*

The commission proposes to amend §113.340 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CC made by the EPA since May 25, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart CC on June 23, 2003 (68 FR 37351). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.350 - Off-Site Waste and Recovery Operations (40 CFR 63, Subpart DD)*

The commission proposes to amend §113.350 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart DD made by the EPA since January 8, 2001. During this time frame, 40 CFR Part 63, Subpart DD was amended on June 23, 2003 (68 FR 37351). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.360 - Magnetic Tape Manufacturing Operations (40 CFR 63, Subpart EE)*

The commission proposes to amend §113.360 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EE made by the EPA since April 9, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart EE on June 23, 2003 (68 FR 37352). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.380 - Aerospace Manufacturing and Rework Facilities (40 CFR 63, Subpart GG)*

The commission proposes to amend §113.380 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GG made by the EPA since December 8, 2000. During this time frame, the EPA amended 40 CFR Part 63, Subpart GG on June 23, 2003 (68 FR 37352). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.390 - Oil and Natural Gas Production Facilities (40 CFR 63, Subpart HH)*

The commission proposes to amend §113.390 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HH made by the EPA since June 29, 2001. During this time frame, 40 CFR Part 63, Subpart HH was amended on June 23, 2003 (68 FR 37353). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.400 - Shipbuilding and Ship Repair (Surface Coating) (40 CFR 63, Subpart II)*

The commission proposes to amend §113.400 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart II made by the EPA since October 17, 2000. During this time frame, 40 CFR Part 63, Subpart II was amended on June 23, 2003 (68 FR 37353). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.410 - Wood Furniture Manufacturing Operations (40 CFR 63, Subpart JJ)*

The commission proposes to amend §113.410 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJ made by the EPA since December 28, 1998. During this time frame, 40 CFR Part 63, Subpart JJ was amended on June 23, 2003 (68 FR 37353). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also rephrased some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.420 - Printing and Publishing (40 CFR 63, Subpart KK)*

The commission proposes to amend §113.420 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart KK made by the EPA since May 30, 1996. During this time frame, 40 CFR Part 63, Subpart KK was amended on June 23, 2003 (68 FR 37354). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.430 - Primary Aluminum Reduction Plants (40 CFR 63, Subpart LL)*

The commission proposes to amend §113.430 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LL made by the EPA since October 7, 1997. During this time frame, 40 CFR Part 63, Subpart LL was amended on June 23, 2003 (68 FR 37354). The June 23, 2003

amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.440 - Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 CFR 63, Subpart MM)*

The commission proposes to amend §113.440 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MM made by the EPA since August 6, 2001. During this time frame, 40 CFR Part 63, Subpart MM was amended on February 18, 2003 (68 FR 7713), July 18, 2003 (68 FR 42605), August 5, 2003 (68 FR 46108), December 5, 2003 (68 FR 67954), and May 6, 2004 (69 FR 25323). The February 18, 2003 amendments clarified and consolidated monitoring and testing requirements and added a site-specific alternative standard for a facility in the State of Washington. The July 18, 2003 amendments deleted certain provisions previously adopted on February 18, 2003, which were the subject of adverse comments, and corrected a typographical error and a cross-referencing error. The August 5, 2003 amendments extended the compliance date for a site-specific emission control project in Virginia. The December 5, 2003 amendments implemented technical corrections to restore monitoring and recordkeeping provisions inadvertently deleted by the July 18, 2003 amendments, and added clarifying language which was inadvertently omitted from an emission standard in the January 12, 2001 final rule. The May 6, 2004 amendments corrected cross-references in order to be consistent with changes made in the February 18, 2003 amendments.

*Section 113.460 - Tanks-Level 1 (40 CFR 63, Subpart OO)*

The commission proposes to amend §113.460 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart OO made by the EPA since July 20, 1999. During this time frame, 40 CFR Part 63, Subpart OO was amended on June 23, 2003 (68 FR 37354). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.470 - Containers (40 CFR 63, Subpart PP)*

The commission proposes to amend §113.470 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PP made by the EPA since January 8, 2001. During this time frame, 40 CFR Part 63, Subpart PP was amended on June 23, 2003 (68 FR 37355). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.480 - Surface Impoundments (40 CFR 63, Subpart QQ)*

The commission proposes to amend §113.480 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart QQ made by the EPA since July 20, 1999. During this time frame, 40 CFR Part 63, Subpart QQ was amended on June 23, 2003 (68 FR 37355). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.490 - Individual Drain Systems (40 CFR 63, Subpart RR)*

The commission proposes to amend §113.490 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart RR made by the EPA since January 8, 2001. During this time frame, 40 CFR Part 63, Subpart RR was amended on June 23, 2003 (68 FR 37355). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.530 - Oil-Water Separators and Organic-Water Separators (40 CFR 63, Subpart VV)*

The commission proposes to amend §113.530 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart VV made by the EPA since January 8, 2001. During this time frame, 40 CFR Part 63, Subpart VV was amended on June 23, 2003 (68 FR 37355). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.600 - Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 CFR 63, Subpart CCC)*

The commission proposes to amend §113.600 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CCC made by the EPA since June 22, 1999. During this time frame, 40 CFR Part 63, Subpart CCC was amended on June 23, 2003 (68 FR 37356). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.610 - Mineral Wool Production (40 CFR 63, Subpart DDD)*

The commission proposes to amend §113.610 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart DDD made by the EPA since June 1, 1999. During this time frame, 40 CFR Part 63, Subpart DDD was amended on June 23, 2003 (68 FR 37356). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.620 - Hazardous Waste Combustors (40 CFR 63, Subpart EEE)*

The commission proposes to amend §113.620 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EEE made by the EPA since December 19, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart EEE on June 23, 2003 (68 FR 37356). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The proposed rule also corrects two typographical errors in §113.620.

*Section 113.640 - Pharmaceuticals Production (40 CFR 63, Subpart GGG)*

The commission proposes to amend §113.640 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GGG made by the EPA since April 2, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart GGG on June 23, 2003 (68 FR 37356). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.650 - Natural Gas Transmission and Storage Facilities (40 CFR 63, Subpart HHH)*

The commission proposes to amend §113.650 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HHH made by the EPA since February 22, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart HHH on June 23, 2003 (68 FR 37357). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also restructured some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.660 - Flexible Polyurethane Foam Production (40 CFR 63, Subpart III)*

The commission proposes to amend §113.660 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart III made by the EPA since October 7, 1998. During this time frame, the EPA amended 40 CFR Part 63, Subpart III on June 23, 2003 (68 FR 37357). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.670 - Group IV Polymers and Resins (40 CFR 63, Subpart JJJ)*

The commission proposes to amend §113.670 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJJ made by the EPA since August 6, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart JJJ on June 23, 2003 (68 FR 37357), with corrections published on June 2, 2004 (69 FR 31008). The June 23, 2003 amendments clarified which

provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 2, 2004 correction modified 40 CFR §63.1331, Equipment Leak Provisions.

*Section 113.690 - Portland Cement Manufacturing Industry (40 CFR 63, Subpart LLL)*

The commission proposes to amend §113.690 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LLL made by the EPA since December 6, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart LLL on June 23, 2003 (68 FR 37359). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.700 - Pesticide Active Ingredient Production (40 CFR 63, Subpart MMM)*

The commission proposes to amend §113.700 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MMM made by the EPA since September 20, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart MMM on June 23, 2003 (68 FR 37358). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The June 23, 2003 amendments also restructured some sections to more clearly separate delegable requirements from non-delegable requirements, and to provide language more consistent with the revised delegation of authority provisions.

*Section 113.710 - Wool Fiberglass Manufacturing (40 CFR 63, Subpart NNN)*

The commission proposes to amend §113.710 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart NNN made by the EPA since June 14, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart NNN on June 23, 2003 (68 FR 37358). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.720 - Manufacture of Amino/Phenolic Resins (40 CFR 63, Subpart OOO)*

The commission proposes to amend §113.720 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart OOO made by the EPA since February 22, 2000. During this time frame, the EPA amended 40 CFR Part 63, Subpart OOO on June 23, 2003 (68 FR 37359). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.730 - Polyether Polyols Production (40 CFR 63, Subpart PPP)*

The commission proposes to amend §113.730 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PPP made by the EPA since May 8, 2000. During this time frame, the EPA amended 40 CFR Part 63, Subpart PPP on June 23, 2003 (68 FR 37359), with corrections published on July 1, 2004 (69 FR 39862). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority. The July 1, 2004 corrections modified several table headings and corrected Equation 11 in 40 CFR §63.1427.

*Section 113.750 - Secondary Aluminum Production (40 CFR 63, Subpart RRR)*

The commission proposes to amend §113.750 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart RRR adopted by the EPA since December 30, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart RRR on June 23, 2003 (68 FR 37359). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.770 - Primary Lead Smelting (40 CFR 63, Subpart TTT)*

The commission proposes to amend §113.770 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart TTT adopted by the EPA since June 4, 1999. During this time frame, the EPA amended 40 CFR Part 63, Subpart TTT on June 23, 2003 (68 FR 37360). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.790 - Publicly Owned Treatment Works (40 CFR 63, Subpart VVV)*

The commission proposes to amend §113.790 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart VVV made by the EPA since October 21, 2002. During this time frame, the EPA amended 40 CFR Part 63, Subpart VVV on June 23, 2003 (68 FR 37360). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.810 - Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR 63, Subpart XXX)*

The commission proposes to amend §113.810 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart XXX made by the EPA since March 22, 2001. During this time frame, the EPA amended 40 CFR Part 63, Subpart XXX on June 23, 2003 (68 FR 37360). The June 23, 2003 amendments clarified which provisions of this MACT can be delegated to state, local, and tribal authorities, and identified provisions for which the EPA retains exclusive authority.

*Section 113.880 - Organic Liquids Distribution (Non-Gasoline) (40 CFR 63, Subpart EEEE)*

The commission proposes new §113.880, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart EEEE adopted by the EPA on February 3, 2004 (69 FR 5063). This MACT standard applies to new and existing non-gasoline organic liquid distribution operations that are located at, or are part of, a major source of hazardous air pollutant emissions. Hazardous air pollutants emitted from these operations include: benzene, ethylbenzene, toluene, vinyl chloride, and a large number of other organic hazardous air pollutants.

*Section 113.890 - Miscellaneous Organic Chemical Manufacturing (40 CFR 63, Subpart FFFF)*

The commission proposes new §113.890, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart FFFF adopted by the EPA on November 10, 2003 (68 FR 63888). This MACT standard applies to new and existing miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. This standard applies to process units that are located at, or are part of,

a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include: toluene, methanol, xylenes, hydrogen chloride, and methylene chloride.

*Section 113.920 - Surface Coating of Automobiles and Light-Duty Trucks (40 CFR 63, Subpart IIII)*

The commission proposes new §113.920, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart IIII adopted by the EPA on April 26, 2004 (69 FR 22623). This MACT standard applies to new and existing auto and light-duty truck surface coating operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutant emissions. The primary hazardous air pollutants emitted by these facilities include: toluene, xylenes, glycol ethers, methyl ethyl ketone, methyl isobutyl ketone, ethylbenzene, and methanol.

*Section 113.940 - Surface Coating of Metal Cans (40 CFR 63, Subpart KKKK)*

The commission proposes new §113.940, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart KKKK adopted by the EPA on November 13, 2003 (68 FR 64446). This MACT standard applies to new and existing metal can surface coating operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutants. The hazardous air pollutants emitted by these facilities include: certain glycol ethers, xylenes, hexane, methyl isobutyl ketone (MIBK), and methyl ethyl ketone (MEK).

*Section 113.960 - Surface Coating of Miscellaneous Metal Parts and Products (40 CFR 63, Subpart MMMM)*

The commission proposes new §113.960, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart MMMM adopted by the EPA on January 2, 2004 (69 FR 157), as amended through April 26, 2004 (69 FR 22660). This MACT standard applies to new and existing miscellaneous metal parts and products surface coating operations located at major sources of hazardous air pollutants. Hazardous air pollutants emitted from these facilities include: xylenes, toluene, methyl ethyl ketone, phenol, cresols/cresylic acid, glycol ethers, styrene, methyl isobutyl ketone, and ethyl benzene. The April 26, 2004 amendments clarified the interaction of 40 CFR Part 63, Subpart MMMM with Subpart IIII, concerning Surface Coating of Automobiles and Light-Duty Trucks.

*Section 113.980 - Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 CFR 63, Subpart OOOO)*

The commission proposes new §113.980, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart OOOO adopted by the EPA on May 29, 2003 (68 FR 32189). This MACT standard applies to new and existing operations involving printing, coating, slashing, dyeing, or finishing of fabric and other textiles. This standard applies to operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include, but are not limited to: toluene, methyl ethyl ketone, methanol, xylenes, methyl isobutyl ketone, methylene chloride, trichloroethylene, n-hexane, glycol ethers, and formaldehyde.

*Section 113.990 - Surface Coating of Plastic Parts and Products (40 CFR 63, Subpart PPPP)*

The commission proposes new §113.990, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart PPPP adopted by the EPA on April 19, 2004 (69 FR 20990), as amended through April 26, 2004 (69 FR 22660). This MACT standard applies to new and existing plastic parts and products surface coating operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include: methyl ethyl ketone, methyl isobutyl ketone, toluene, certain glycol ethers, and xylenes. The April 26, 2004 amendments clarified the interaction of 40 CFR Part 63, Subpart PPPP with Subpart IIII, concerning Surface Coating of Automobiles and Light-Duty Trucks.

*Section 113.1000 - Surface Coating of Wood Building Products (40 CFR 63, Subpart QQQQ)*

The commission proposes new §113.1000, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart QQQQ adopted by the EPA on May 28, 2003 (68 FR 31760). This MACT standard applies to new and existing operations involving surface coating of wood building products. This standard applies to operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include, but are not limited to: xylenes, toluene, ethyl benzene, methyl ethyl ketone, methyl isobutyl ketone, methanol, styrene, and formaldehyde.

*Section 113.1010 - Surface Coating of Metal Furniture (40 CFR 63, Subpart RRRR)*

The commission proposes new §113.1010, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart RRRR adopted by the EPA on May 23, 2003 (68

FR 28619). This MACT standard applies to new and existing operations involving surface coating of metal furniture. This standard applies to operations that are a major source, are located at a major source, or are part of a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include, but are not limited to: xylenes, toluene, certain glycol ethers, ethylbenzene, and methyl ethyl ketone.

*Section 113.1060 - Reinforced Plastic Composites Production (40 CFR 63, Subpart WWWW)*

The commission proposes new §113.1060, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart WWWW adopted by the EPA on April 21, 2003 (68 FR 19402). This MACT standard applies to new and existing reinforced plastic composites production facilities that are located at a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: styrene, methyl methacrylate, and methylene chloride.

*Section 113.1080 - Stationary Combustion Turbines (40 CFR 63, Subpart YYYY)*

The commission proposes new §113.1080, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart YYYY adopted by the EPA on March 5, 2004 (69 FR 10537), as amended through August 18, 2004 (69 FR 51188). This MACT standard applies to new and existing stationary combustion turbines located at a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from stationary combustion turbines include: formaldehyde, toluene, benzene, and acetaldehyde. The August 18, 2004 amendments stayed the

effectiveness of emission limitations and operating limitations for lean premix gas-fired turbines and diffusion flame gas-fired turbines.

*Section 113.1090 - Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ)*

The commission proposes new §113.1090, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart ZZZZ adopted by the EPA on June 15, 2004 (69 FR 33506). This MACT standard applies to new and existing stationary reciprocating internal combustion engines located at a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from stationary reciprocating internal combustion engines include: formaldehyde, acrolein, toluene, methanol, and acetaldehyde.

*Section 113.1100 - Lime Manufacturing Plants (40 CFR 63, Subpart AAAAA)*

The commission proposes new §113.1100, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart AAAAA adopted by the EPA on January 5, 2004 (69 FR 416). This MACT standard applies to new and existing lime manufacturing units, including lime kilns, lime coolers, and various types of processed stone handling operations. The standard applies to lime manufacturing plants that are major sources, co-located at major sources, or are part of a major source. However, this MACT standard does not apply to lime manufacturing plants that are located at pulp and paper mills or beet sugar factories. Hazardous air pollutant emissions from lime manufacturing plants include, but are not limited to: hydrogen chloride, antimony, arsenic, beryllium, cadmium, chromium, lead, manganese, mercury, nickel, and selenium.

*Section 113.1110 - Semiconductor Manufacturing (40 CFR 63, Subpart BBBBB)*

The commission proposes new §113.1110, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart BBBBB adopted by the EPA on May 22, 2003 (68 FR 27925). This MACT standard applies to new and existing semiconductor manufacturing operations that are a major source of hazardous air pollutants, are located at a major source of hazardous air pollutants, or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: hydrochloric acid, hydrogen fluoride, methanol, glycol ethers, and xylenes.

*Section 113.1120 - Coke Ovens: Pushing, Quenching, and Battery Stacks (40 CFR 63, Subpart CCCCC)*

The commission proposes new §113.1120, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart CCCCC adopted by the EPA on April 14, 2003 (68 FR 18025), with corrections published on April 22, 2003 (68 FR 19885). This MACT standard applies to each new or existing coke oven battery at a plant that is a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: polycyclic organic matter, benzene, and toluene. The corrections published on April 22, 2003 altered an incorrect compliance date in 40 CFR §63.7283(b), When Do I Have to Comply with this Subpart.

*Section 113.1140 - Iron and Steel Foundries (40 CFR 63, Subpart EEEEE)*

The commission proposes new §113.1140, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart EEEEE adopted by the EPA on April 22, 2004 (69 FR 21923). This MACT standard applies to new and existing iron and steel foundries, which are (or are located at) a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include: metallic compounds such as lead, manganese, cadmium, chromium, and nickel; and numerous organic compounds such as acetophenone, benzene, cumene, dibenzofurans, dioxins, formaldehyde, methanol, naphthalene, phenol, pyrene, toluene, triethylamine, and xylenes.

*Section 113.1150 - Integrated Iron and Steel Manufacturing Facilities (40 CFR 63, Subpart FFFFF)*

The commission proposes new §113.1150, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart FFFFF adopted by the EPA on May 20, 2003 (68 FR 27663). This MACT standard applies to each new or existing sinter plant, blast furnace, and basic oxygen process furnace shop that are (or are located at) a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: manganese, lead, polycyclic organic matter, benzene, and carbon disulfide.

*Section 113.1160 - Site Remediation (40 CFR 63, Subpart GGGGG)*

The commission proposes new §113.1160, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart GGGGG adopted by the EPA on October 8, 2003 (68 FR 58190). This MACT standard applies to site remediation projects (such as cleanup of contaminated soil, groundwater, or surface water) that meet all of the following criteria: 1) clean-up

remediation materials defined in 40 CFR §63.7957, What Definitions Apply to this Subpart; 2) are co-located at a facility with one or more other stationary sources that emit hazardous air pollutants and meet an affected source definition for a source category that is regulated by another subpart under 40 CFR Part 63; and 3) the facility is a major source of hazardous air pollutant emissions. 40 CFR Part 63, Subpart GGGGG contains exemptions for remediation projects located at gasoline service stations, farms, residential sites, and certain remediation projects conducted under the authority of other environmental regulations, such as the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response and Compensation Liability Act (CERCLA). Hazardous air pollutant emissions regulated under this MACT standard include a wide variety of compounds listed in Table 1 of 40 CFR Part 63, Subpart GGGGG.

*Section 113.1170 - Miscellaneous Coating Manufacturing (40 CFR 63, Subpart HHHHH)*

The commission proposes new §113.1170, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart HHHHH adopted by the EPA on December 11, 2003 (68 FR 69185) as amended through December 29, 2003 (68 FR 75033). This MACT standard applies to new and existing miscellaneous coating manufacturing operations that are located at or are part of a major source of hazardous air pollutants. Hazardous air pollutant emissions from these operations include: toluene, xylenes, glycol ethers, methyl ethyl ketone, and methyl isobutyl ketone. The December 29, 2003 amendments corrected a compliance date stated in 40 CFR §63.7995, (When do I have to comply with this subpart?), which should have read “December 11, 2006.”

*Section 113.1180 - Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 CFR 63, Subpart IIII)*

The commission proposes new §113.1180, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart IIII adopted by the EPA on December 19, 2003 (68 FR 70928). This MACT standard applies to new and existing mercury cell chlor-alkali plants. The hazardous air pollutant regulated by this standard is mercury.

*Section 113.1190 - Brick and Structural Clay Products Manufacturing (40 CFR 63, Subpart JJJJ)*

The commission proposes new §113.1190, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart JJJJ adopted by the EPA on May 16, 2003 (68 FR 26722), with corrections published on May 28, 2003 (68 FR 31744). This MACT standard applies to new and existing sources at brick and structural clay products manufacturing plants. This MACT standard applies to brick and structural clay manufacturing facilities that are a major source of hazardous air pollutant emissions, are located at a major source of hazardous air pollutant emissions, or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: hydrogen fluoride; hydrogen chloride; and metallic compounds such as antimony, arsenic, beryllium, cadmium, chromium, cobalt, mercury, manganese, nickel, lead, and selenium. The May 28, 2003 corrections altered an erroneous compliance date.

*Section 113.1200 - Clay Ceramics Manufacturing (40 CFR 63, Subpart KKKKK)*

The commission proposes new §113.1200, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart KKKKK adopted by the EPA on May 16, 2003 (68 FR 26738), with corrections published on May 28, 2003 (68 FR 31744). This MACT standard applies to new and existing sources at clay ceramics manufacturing facilities. This MACT standard applies to clay ceramics manufacturing facilities that are a major source of hazardous air pollutant emissions, are located at a major source of hazardous air pollutant emissions, or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: hydrogen fluoride; hydrogen chloride; and metallic compounds such as antimony, arsenic, beryllium, cadmium, chromium, cobalt, mercury, manganese, nickel, lead, and selenium. The May 28, 2003 corrections altered an erroneous compliance date.

*Section 113.1210 - Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR 63, Subpart LLLLL)*

The commission proposes new §113.1210, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart LLLLL initially adopted by the EPA on April 29, 2003 (68 FR 22991) and republished with corrections on May 7, 2003 (68 FR 24577). This MACT standard applies to new and existing asphalt processing and asphalt roofing manufacturing facilities that are a major source of hazardous air pollutant emissions, are located at a major source of HAP emissions, or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: formaldehyde, hexane, hydrogen chloride, phenol, polycyclic organic matter, and toluene.

*Section 113.1220 - Flexible Polyurethane Foam Fabrication Operations (40 CFR 63, Subpart  
MMMMM)*

The commission proposes new §113.1220, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart MMMMM adopted by the EPA on April 14, 2003 (68 FR 18070). This MACT standard applies to new and existing flexible polyurethane foam fabrication facilities that are located at or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: hydrochloric acid, 2,4-toluene diisocyanate, hydrogen cyanide, and methylene chloride.

*Section 113.1230 - Hydrochloric Acid Production (40 CFR 63, Subpart NNNNN)*

The commission proposes new §113.1230, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart NNNNN adopted by the EPA on April 17, 2003 (68 FR 19090). This MACT standard applies to new and existing hydrochloric acid production units that normally produce liquid hydrochloric acid at a concentration of 30 weight percent or greater, and are located at a major source of hazardous air pollutant emissions, or are part of a major source of hazardous air pollutant emissions. The primary hazardous air pollutant that will be controlled with this MACT standard is hydrochloric acid.

*Section 113.1250 - Engine Test Cells/Standards (40 CFR 63, Subpart PPPPP)*

The commission proposes new §113.1250, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart PPPPP adopted by the EPA on May 27, 2003 (68 FR 28785) with corrections published on August 28, 2003 (68 FR 51830). This MACT standard

applies to new and existing engine test cells/stands that are located at a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: toluene, benzene, mixed xylenes, and 1,3-butadiene. The August 28, 2003 corrections altered the title of the subpart.

*Section 113.1270 - Taconite Iron Ore Processing (40 CFR 63, Subpart RRRRR)*

The commission proposes new §113.1270, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart RRRRR adopted by the EPA on October 30, 2003 (68 FR 61888). This MACT standard applies to new and existing taconite ore processing facilities, including ore crushing and handling operations, ore dryers, indurating furnaces, and finished pellet handling operations. The standard applies to ore processing facilities that are major sources of hazardous air pollutant emissions (or are part of a major source of hazardous air pollutant emissions). Hazardous air pollutants emitted from taconite ore processing operations include: metal compounds such as manganese, arsenic, lead, nickel, chromium, and mercury; products of incomplete combustion, including formaldehyde; and the acid gases hydrogen chloride and hydrogen fluoride.

*Section 113.1280 - Refractory Products Manufacturing (40 CFR 63, Subpart SSSSS)*

The commission proposes new §113.1280, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart SSSSS adopted by the EPA on April 16, 2003 (68 FR 18747). This MACT standard applies to new and existing refractory products manufacturing facilities that are a major source of hazardous air pollutant emissions, are located at a major source of hazardous air pollutant emissions, or are part of a major source of hazardous air pollutant emissions.

Hazardous air pollutant emissions from these operations include, but are not limited to: ethylene glycol, formaldehyde, hydrogen fluoride, hydrochloric acid, methanol, phenol, and polycyclic organic matter.

*Section 113.1290 - Primary Magnesium Refining (40 CFR 63, Subpart TTTTT)*

The commission proposes new §113.1290, which will incorporate by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart TTTTT adopted by the EPA on October 10, 2003 (68 FR 58620). This MACT standard applies to new and existing primary magnesium refining facilities that are major sources of hazardous air pollutant emissions, or are part of a major source of hazardous air pollutant emissions. Hazardous air pollutant emissions from these operations include, but are not limited to: chlorine, hydrochloric acid, dioxins and furans, and trace amounts of several hazardous air pollutant metals.

**EFFECT ON SITES SUBJECT TO THE FEDERAL OPERATING PERMIT PROGRAM**

Because Chapter 113 contains applicable requirements under 30 TAC Chapter 122, Federal Operating Permits, owners or operators subject to the Federal Operating Permit Program must, consistent with the amendment process in Chapter 122, revise their operating permit to include the amended Chapter 113 requirements.

**FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT**

Nina Chamness, Analyst, Strategic Planning and Grants Management Section, has determined that for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for the

agency or other units of state and local government as a result of administration or enforcement of the proposed rules. Enforcement of the proposed rules will result in some additional workload for agency staff and it is anticipated that the agency will reallocate existing resources to meet this need.

The proposed rulemaking incorporates by reference, numerous EPA updates, additions, and new standards associated with federal MACT standards under 40 CFR Part 63 not currently included in Chapter 113. MACT standards under 40 CFR Part 63 control hazardous air pollutant emissions. EPA has not delegated to the commission the direct authority to implement the MACT standards addressed in the proposed rules. The commission uses the mechanism of Chapter 113 to enforce MACT standards. To ensure that the requirements in Chapter 113 are consistent with the most current federal MACT standards, the chapter must be amended to reflect the most current information. After each MACT standard or amendment is adopted, the commission will ask EPA to delegate the direct responsibility for administering and enforcing the MACT requirements to the commission.

Enforcement and implementation of the proposed standards are extensions of the normal duties of commission staff, and the commission does not anticipate any fiscal impact to result from the proposed rules. The commission does not anticipate any significant fiscal impact to be felt by the regulated community, which must comply with federal MACT standards regardless of whether the proposed rules are adopted. Industry may need to update Title V permits to reflect the proposed rules, but commission staff does not anticipate costs associated with this process to be significant in nature.

#### PUBLIC BENEFITS AND COSTS

Ms. Chamness also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be increased consistency between federal and state air quality regulations, thereby making it more efficient for the regulated community to comply with current laws and regulations.

Industries in the regulated community currently have to comply with EPA's MACT standards. No significant fiscal implications are anticipated to affect the regulated community because of the proposed rules.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are anticipated for small or micro-businesses as a result of implementing and enforcing the proposed rules. Small and micro-businesses are already required to comply with the MACT standards whether or not the commission adopts or takes delegation of the MACT standards contained in the proposed rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The commission reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking action does not meet the definition of a “major environmental rule” as defined in that statute. A “major environmental rule” is a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The specific intent of the proposed rules is to adopt MACT standards mandated by the FCAA and the amendments to that statute. The EPA is developing these national MACT standards to regulate emissions of hazardous air pollutants under 42 USC, §7412. Hazardous air pollutant sources affected by the MACT standards are required to comply with the federal standards whether or not the commission adopts or takes delegation of the standards from EPA. The proposed rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond existing requirements to comply with the federal standards. The proposed rules are intended to protect the environment, but are not anticipated to have material adverse effects beyond what is already required to comply with federal MACT standards on the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

In addition, the proposed rules do not meet any of the four applicability criteria of a “major environmental rule” as defined in the Texas Government Code. Texas Government Code, §2001.0225 applies only to a major environmental rule the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law,

unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of the requirements because the MACT standards in this proposal are federal technology-based standards which will be incorporated by reference, and therefore, will not exceed any standard set by federal law. This proposal is not an express requirement of state law, but was developed by EPA as MACT standards mandated by the FCAA and the amendments to that statute. The proposed rules do not exceed a requirement of a delegation agreement or a contract between state and federal government. The proposed rules were not developed solely under the general powers of the agency, but are proposed under the Texas Clean Air Act (TCAA), as codified in Texas Health and Safety Code, §382.011, which authorizes the commission to establish the level of quality to be maintained in the state's air; §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which authorizes the commission to adopt rules as necessary to comply with changes in federal law and regulations applicable to air permits.

#### TAKINGS IMPACT ASSESSMENT

The commission completed a takings impact analysis for the proposed rulemaking action under Texas Government Code, §2007.043. The specific purpose of this rulemaking is to facilitate implementation

and enforcement of MACT standards by the state. This rulemaking will not create any additional burden on private real property. Under federal law, the affected industries will be required to implement these MACT standards regardless of whether the commission or EPA is the agency responsible for implementation of the standards.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the proposal is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission prepared a preliminary consistency determination for the proposed rules in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §505.22 and found the proposed rulemaking is consistent with the applicable CMP goals and policies. The CMP goal applicable to the proposed rules is to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas. The CMP policy applicable to the proposed rules is Emission of Air Pollutants. These rules are consistent because they only incorporate by reference the federal MACT standards that pertain to certain industries and processes. The MACT standards provide the highest level of control of air emissions that is achievable. The commission seeks public comment on the consistency of the proposed rules with applicable CMP goals and policies.

#### PUBLIC HEARING

A public hearing on this proposal will be held on January 31, 2005 at 10:00 a.m., in Building F, Room 2210 of the commission's central office, located at 12100 Park 35 Circle, Austin, Texas. The hearing

is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Comments may be submitted to Patricia Durón, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Project Number 2002-036c-113-AI. Comments must be received by 5:00 p.m., January 31, 2005. For further information or questions concerning this proposal, contact Michael Wilhoit, Air Permits Division at (512) 239-1222 or Joseph Thomas, Policy and Regulations Division at (512) 239-4580.

**SUBCHAPTER C: NATIONAL EMISSION STANDARDS FOR HAZARDOUS  
AIR POLLUTANTS FOR SOURCE CATEGORIES**

**(FCAA, §112, 40 CFR PART 63)**

**§§113.100, 113.105, 113.106, 113.110, 113.120, 113.130, 113.140, 113.170, 113.180, 113.190,  
113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320,  
113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430,  
113.440, 113.460, 113.470, 113.480, 113.490, 113.530, 113.600, 113.610, 113.620, 113.640,  
113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.750, 113.770,  
113.790, 113.810, 113.880, 113.890, 113.920, 113.940, 113.960, 113.980, 113.990, 113.1000,  
113.1010, 113.1060, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1140, 113.1150,  
113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250,  
113.1270, 113.1280, 113.1290**

**STATUTORY AUTHORITY**

The new and amended sections are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the general powers to carry out its duties under the TWC; §5.103, which authorizes the commission to adopt any rules necessary to carry out the powers and the duties under the provisions of the TWC and other laws of this state; and §5.105, which authorizes the commission by rule to establish and approve all general policy of the commission. The amended and new sections are also proposed under Texas Health and Safety Code, TCAA, §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the

protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to establish the level of quality to be maintained in the state's air and to control the quality of the state's air; §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.016, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; and §382.051, which authorizes the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

The proposed new and amended sections implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.051.

**§113.100. General Provisions (40 Code of Federal Regulations Part 63 [CFR 63], Subpart A).**

The General Provisions for the National Emission Standards for Hazardous Air Pollutants for Source Categories as specified in 40 Code of Federal Regulations (CFR) Part 63, Subpart A, are incorporated by reference as amended through June 15, 2004 (69 FR 33506) [April 12, 1999 at 64 FedReg 17555] with the following exceptions. [:]

(1) The language of 40 CFR §63.5(e)(2)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 180 calendar days after receipt of sufficient information to evaluate an application submitted under 40 CFR §63.5(d) [paragraph (d) of this section]. The 180-day

[180 day] approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The executive director will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 90 calendar days after receipt of the original application and within 60 calendar days after receipt of any supplementary information that is submitted.

(2) The language of 40 CFR §63.6(i)(12)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted under 40 CFR §63.6(i)(4)(i) or (i)(5) [paragraph (i)(4)(i) or (i)(5) of this section]. The 60-day [60 day] approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The executive director will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(3) The language of 40 CFR §63.6(i)(13)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted under 40 CFR §63.6(i)(4)(ii) [paragraph (i)(4)(ii) of this section]. The 60-day [60 day] approval or denial period will begin after the owner or operator has been

notified in writing that his/her application is complete. The executive director will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(4) The language of 40 CFR §63.6(i)(13)(ii) is amended to read as follows: When notifying the owner or operator that his/her application is not complete, the executive director will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information, or arguments to the executive director to enable further action on the application.

(5) The language of 40 CFR §63.8(e)(5)(ii) is amended to read as follows: The owner or operator of an affected source using a Continuous Opacity Monitoring System (COMS) to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 30 calendar days before the performance test required under §63.7 is conducted.

(6) The language of 40 CFR §63.9(i)(3) is amended to read as follows: If, in the executive director's judgment, an owner or operator's request for an adjustment to a particular time

period or postmark deadline is warranted, the executive director will approve the adjustment. The executive director will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 30 calendar days of receiving sufficient information to evaluate the request.

(7) The language of 40 CFR §63.10(e)(2)(ii) is amended to read as follows: The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 30 calendar days before the performance test required under §63.7 is conducted.

**§113.105. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act, §112(j). (40 Code of Federal Regulations Part 63, Subpart B, §§63.50 - 63.56).**

The Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act, §112(j), 40 Code of Federal Regulations Part 63, Subpart B, §§63.50 - 63.56, are incorporated by reference as amended through May 30, 2003 (68 FR 32601).

**§113.106. List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List. (40 Code of Federal Regulations Part 63, Subpart C).**

The provisions of 40 Code of Federal Regulations Part 63, Subpart C, concerning the List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, are incorporated by reference as amended through November 29, 2004 (69 FR 69325).

**§113.110. Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63 [CFR 63], Subpart F).**

The Synthetic Organic Chemical Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart F, is incorporated by reference as amended through June 23, 2003 (68 FR 37344) [January 22, 2001 (66 FR 6922)].

**§113.120. Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63 [CFR 63], Subpart G).**

The Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart G, is incorporated by reference as amended through June 23, 2003 (68 FR 37344) [January 22, 2001 (66 FR 6922)].

**§113.130. Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63 [CFR 63], Subpart H).**

The Organic Hazardous Air Pollutants for Equipment Leaks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart H, is incorporated by reference as amended through June 23, 2003 (68 FR 37345) [January 22, 2001 (66 FR 6922)].

**§113.140. Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (40 Code of Federal Regulations Part 63 [CFR 63], Subpart I).**

The Certain Processes Subject to the Negotiated Regulations for Equipment Leaks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart I, is incorporated by reference as amended through June 23, 2003 (68 FR 37345) [January 17, 1997, is incorporated by reference].

**§113.170. Coke Oven Batteries (40 Code of Federal Regulations Part 63 [CFR 63], Subpart L).**

The Coke Oven Batteries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart L, is incorporated by reference as amended through June 23, 2003 (68 FR 37345) [October 17, 2000 (65 FR 61744)].

**§113.180. Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart M).**

The Perchloroethylene Dry Cleaning Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart M, is incorporated by reference as amended through June 23, 2003 (68 FR 37347) [December 14, 1999, at 64 FedReg 69637].

**§113.190. Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63 [CFR 63], Subpart N).**

The Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart N, is incorporated by reference as amended through July 19, 2004 (69 FR 42894) [December 14, 1999, at 64 FedReg 69637].

**§113.200. Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart O).**

The Ethylene Oxide Emissions Standards for Sterilization Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart O, is

incorporated by reference as amended through June 23, 2003 (68 FR 37348) [November 2, 2001 (66 FR 55577)].

**§113.220. Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63 [CFR 63], Subpart Q).**

The Industrial Process Cooling Towers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart Q, is incorporated by reference as amended through June 23, 2003 (68 FR 37348) [July 23, 1998, is incorporated by reference].

**§113.230. Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart R).**

The Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart R, is incorporated by reference as amended through December 19, 2003 (68 FR 70965) [January 16, 1998, is incorporated by reference].

**§113.240. Pulp and Paper Industry (40 Code of Federal Regulations Part 63 [CFR 63], Subpart S).**

The Pulp and Paper Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart S, is incorporated by reference as amended through June 23, 2003 (68 FR 37348) [May 14, 2001 (66 FR 24268)].

**§113.250. Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63 [CFR 63], Subpart T).**

The Halogenated Solvent Cleaning Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart T, is incorporated by reference as amended through June 23, 2003 (68 FR 37349) [September 8, 2000 (65 FR 54419)].

**§113.260. Group I Polymers and Resins (40 Code of Federal Regulations Part 63 [CFR 63], Subpart U).**

The Group I Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart U, is incorporated by reference as amended through June 23, 2003 (68 FR 37349) [July 16, 2001 (66 FR 36924)].

**§113.280. Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart W).**

The Epoxy Resins Production and Non-Nylon Polyamides Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart W, is incorporated by reference as amended through June 23, 2003 (68 FR 37350) [May 8, 2000 (65 FR 26491)].

**§113.290. Secondary Lead Smelting (40 Code of Federal Regulations Part 63 [CFR 63], Subpart X).**

The Secondary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart X, is incorporated by reference as amended through June 23, 2003 (68 FR 37350) [December 14, 1999, at 64 FedReg 69637].

**§113.300. Marine Vessel Loading (40 Code of Federal Regulations Part 63 [CFR 63], Subpart Y).**

The Marine Vessel Loading Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart Y, is incorporated by reference as amended through June 23, 2003 (68 FR 37350) [September 19, 1995, is incorporated by reference].

**§113.320. Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63 [CFR 63], Subpart AA).**

The Phosphoric Acid Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AA, is incorporated by reference as amended through June 23, 2003 (68 FR 37351) [June 13, 2002 (67 FR 40814)].

**§113.330. Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63 [CFR 63], Subpart BB).**

The Phosphate Fertilizers Production Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BB, is incorporated by reference as amended through June 23, 2003 (68 FR 37351) [June 13, 2002 (67 FR 40814)].

**§113.340. Petroleum Refineries (40 Code of Federal Regulations Part 63 [CFR 63], Subpart CC).**

The Petroleum Refineries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CC, is incorporated by reference as amended through June 23, 2003 (68 FR 37351) [May 25, 2001 (66 FR 28840)].

**§113.350. Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63 [CFR 63], Subpart DD).**

The Off-Site Waste and Recovery Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DD, is incorporated by reference as amended through June 23, 2003 (68 FR 37351) [January 8, 2001 (66 FR 1263)].

**§113.360. Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63 [CFR 63], Subpart EE).**

The Magnetic Tape Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EE, is incorporated by reference as amended through June 23, 2003 (68 FR 37352) [April 9, 1999, at 64 FedReg 17460].

**§113.380. Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart GG).**

The Aerospace Manufacturing and Rework Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GG, is incorporated by reference as amended through June 23, 2003 (68 FR 37352) [December 8, 2000 (65 FR 76941)].

**§113.390. Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart HH).**

The Oil and Natural Gas Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HH, is incorporated by reference as amended through June 23, 2003 (68 FR 37353) [June 29, 2001 (66 FR 34548)].

**§113.400. Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63 [CFR 63], Subpart II).**

The Shipbuilding and Ship Repair (Surface Coating) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart II, is incorporated by reference as amended through June 23, 2003 (68 FR 37353) [October 17, 2000 (65 FR 61744)].

**§113.410. Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63 [CFR 63], Subpart JJ).**

The Wood Furniture Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart JJ, is incorporated by reference as amended through June 23, 2003 (68 FR 37353) [December 28, 1998, is incorporated by reference].

**§113.420. Printing and Publishing (40 Code of Federal Regulations Part 63 [CFR 63], Subpart KK).**

The Printing and Publishing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart KK, is incorporated by reference as amended through June 23, 2003 (68 FR 37354) [May 30, 1996, is incorporated by reference].

**§113.430. Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63 [CFR 63], Subpart LL).**

The Primary Aluminum Reduction Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart LL, is incorporated by reference as amended through June 23, 2003 (68 FR 37354) [October 7, 1997, is incorporated by reference].

**§113.440. Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 63 [CFR 63], Subpart MM).**

The Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MM, is incorporated by reference as amended through May 6, 2004 (69 FR 25323) [August 6, 2001 (66 FR 41086)].

**§113.460. Tanks -[-] Level 1 (40 Code of Federal Regulations Part 63 [CFR 63], Subpart OO).**

The Tanks - Level 1 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OO, is incorporated by reference as amended through June 23, 2003 (68 FR 37354) [July 20, 1999, at 64 FedReg 38950].

**§113.470. Containers (40 Code of Federal Regulations Part 63 [CFR 63], Subpart PP).**

The Containers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PP, is incorporated by reference as amended through June 23, 2003 (68 FR 37355) [January 8, 2001 (66 FR 1263)].

**§113.480. Surface Impoundments (40 Code of Federal Regulations Part 63 [CFR 63], Subpart QQ).**

The Surface Impoundments Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQ, is incorporated by reference as amended through June 23, 2003 (68 FR 37355) [July 20, 1999, at 64 FedReg 38950].

**§113.490. Individual Drain Systems (40 Code of Federal Regulations Part 63 [CFR 63], Subpart RR).**

The Individual Drain System Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RR, is incorporated by reference as amended through June 23, 2003 (68 FR 37355) [January 8, 2001 (66 FR 1263)].

**§113.530. Oil-Water Separators and Organic-Water Separators (40 Code of Federal Regulations Part 63 [CFR 63], Subpart VV).**

The Oil-Water Separators and Organic-Water Separators Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VV, is incorporated by reference as amended through June 23, 2003 (68 FR 37355) [January 8, 2001 (66 FR 1263)].

**§113.600. Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63 [CFR 63], Subpart CCC).**

The Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCC, is incorporated by reference as amended through June 23, 2003 (68 FR 37356) [adopted June 22, 1999, at 64 FedReg 33202].

**§113.610. Mineral Wool Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart DDD).**

The Mineral Wool Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDD, is incorporated by reference as amended through June 23, 2003 (68 FR 37356) [adopted June 1, 1999, at 64 FedReg 29490].

**§113.620. Hazardous Waste Combustors (40 Code of Federal Regulations Part 63 [CFR 63], Subpart EEE).**

The Hazardous Waste Combustor Maximum Achievable [achievable] Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEE, is [in] incorporated by reference as amended through June 23, 2003 (68 FR 37356) [December 19, 2002 (67 FR 77687)].

**§113.640. Pharmaceuticals Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart GGG).**

The Pharmaceuticals Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGG, is incorporated by reference as amended through June 23, 2003 (68 FR 37356) [April 2, 2002 (67 FR 15486)].

**§113.650. Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63 [CFR 63], Subpart HHH).**

The Natural Gas Transmission and Storage Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHH, is incorporated by reference as amended through June 23, 2003 (68 FR 37357) [February 22, 2002 (67 FR 8202)].

**§113.660. Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart III).**

The Flexible Polyurethane Foam Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part [CFR] 63, Subpart III, is incorporated by reference as amended through June 23, 2003 (68 FR 37357) [October 7, 1998, is incorporated by reference].

**§113.670. Group IV Polymers and Resins (40 Code of Federal Regulations Part 63 [CFR 63], Subpart JJJ).**

The Group IV Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJ, is incorporated by reference as amended through June 2, 2004 (69 FR 31008) [August 6, 2001 (66 FR 40903)].

**§113.690. Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63 [CFR 63], Subpart LLL).**

The Portland Cement Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLL, is incorporated by reference as amended through June 23, 2003 (68 FR 37359) [December 6, 2002 (67 FR 72580)].

**§113.700. Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart MMM).**

The Pesticide Active Ingredient Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMM, is incorporated by reference as amended through June 23, 2003 (68 FR 37358) [September 20, 2002 (67 FR 59336)].

**§113.710. Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63 [CFR 63], Subpart NNN).**

The Wool Fiberglass Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNN, is incorporated by reference as amended through June 23, 2003 (68 FR 37358) [June 14, 1999, at 64 FedReg 31695].

**§113.720. Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63 [CFR 63], Subpart OOO).**

The Manufacture of Amino/Phenolic Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOO, is incorporated by reference as amended through June 23, 2003 (68 FR 37359) [February 22, 2000 (65 FR 8768)].

**§113.730. Polyether Polyols Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart PPP).**

The Polyether Polyols Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPP, is incorporated by reference as amended through June 23, 2003 (68 FR 37359) with corrections published on July 1, 2004 (69 FR 39862) [May 8, 2000 (65 FR 26491)].

**§113.750. Secondary Aluminum Production (40 Code of Federal Regulations Part 63 [CFR 63], Subpart RRR).**

The Secondary Aluminum Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRR, is incorporated by reference as amended through June 23, 2003 (68 FR 37359) [December 30, 2002 (67 FR 79808)].

**§113.770. Primary Lead Smelting (40 Code of Federal Regulations Part 63 [CFR 63], Subpart TTT).**

The Primary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTT, is incorporated by reference as amended through June 23, 2003 (68 FR 37360) [adopted June 4, 1999, at 64 FedReg 30194].

**§113.790. Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63 [CFR 63], Subpart VVV).**

The Publicly Owned Treatment Works Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VVV, is incorporated by reference as amended through June 23, 2003 (68 FR 37360) [October 21, 2002 (67 FR 64742)].

**§113.810. Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63 [CFR 63], Subpart XXX).**

The Ferroalloys Production: Ferromanganese and Silicomanganese Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXX, is incorporated by reference as amended through June 23, 2003 (68 FR 37360) [March 22, 2001 (66 FR 16007)].

**§113.880. Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE).**

The Organic Liquids Distribution (Non-Gasoline) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEE, is incorporated by reference as adopted February 3, 2004 (69 FR 5063).

**§113.890. Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF).**

The Miscellaneous Organic Chemical Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFF, is incorporated by reference as adopted November 10, 2003 (68 FR 63888).

**§113.920. Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII).**

The Surface Coating of Automobiles and Light-Duty Trucks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart IIII, is incorporated by reference as adopted April 26, 2004 (69 FR 22623).

**§113.940. Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK).**

The Surface Coating of Metal Cans Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKK, is incorporated by reference as adopted November 13, 2003 (68 FR 64446).

**§113.960. Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM).**

The Surface Coating of Miscellaneous Metal Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMM, is incorporated by reference as amended through April 26, 2004 (69 FR 22660).

**§113.980. Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO).**

The Printing, Coating, and Dyeing of Fabrics and Other Textiles Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOOO, is incorporated by reference as adopted May 29, 2003 (68 FR 32189).

**§113.990. Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP).**

The Surface Coating of Plastic Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPPP, is incorporated by reference as amended through April 26, 2004 (69 FR 22660).

**§113.1000. Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ).**

The Surface Coating of Wood Building Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQ, is incorporated by reference as adopted May 28, 2003 (68 FR 31760).

**§113.1010. Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR).**

The Surface Coating of Metal Furniture Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRR, is incorporated by reference as adopted May 23, 2003 (68 FR 28619).

**§113.1060. Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW).**

The Reinforced Plastic Composites Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWW, is incorporated by reference as adopted April 21, 2003 (68 FR 19402).

**§113.1080. Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY).**

The Stationary Combustion Turbines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart YYYY, is incorporated by reference as amended through August 18, 2004 (69 FR 51188).

**§113.1090. Stationary Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ).**

The Stationary Reciprocating Internal Combustion Engines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart ZZZZ, is incorporated by reference as adopted June 15, 2004 (69 FR 33506).

**§113.1100. Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA).**

The Lime Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAA, is incorporated by reference as adopted January 5, 2004 (69 FR 416).

**§113.1110. Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBB).**

The Semiconductor Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBB, is incorporated by reference as adopted May 22, 2003 (68 FR 27925).

**§113.1120. Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC).**

The Coke Ovens Pushing, Quenching, and Battery Stacks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is incorporated by reference as amended through April 22, 2003 (68 FR 19885).

**§113.1140. Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE).**

The Iron and Steel Foundries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEEE, is incorporated by reference as adopted April 22, 2004 (69 FR 21923).

**§113.1150. Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF).**

The Integrated Iron and Steel Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFFF, is incorporated by reference as adopted May 20, 2003 (68 FR 27663).

**§113.1160. Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG).**

The Site Remediation Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGGG, is incorporated by reference as adopted October 8, 2003 (68 FR 58190).

**§113.1170. Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH).**

The Miscellaneous Coating Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHH, is incorporated by reference as adopted December 11, 2003 (68 FR 69185) with corrections published on December 29, 2003 (68 FR 75033).

**§113.1180. Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIII).**

The Mercury Emissions from Mercury Cell Chlor-Alkali Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart IIII, is incorporated by reference as adopted December 19, 2003 (68 FR 70928).

**§113.1190. Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJ).**

The Brick and Structural Clay Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJ, is incorporated by reference as adopted May 16, 2003 (68 FR 26722) with corrections published on May 28, 2003 (68 FR 31744).

**§113.1200. Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK).**

The Clay Ceramics Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKKK, is incorporated by reference as adopted May 16, 2003 (68 FR 26738) with corrections published on May 28, 2003 (68 FR 31744).

**§113.1210. Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL).**

The Asphalt Processing and Asphalt Roofing Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLL, is incorporated by reference as amended through May 7, 2003 (68 FR 24577).

**§113.1220. Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM).**

The Flexible Polyurethane Foam Fabrication Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMM, is incorporated by reference as adopted April 14, 2003 (68 FR 18070).

**§113.1230. Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN).**

The Hydrochloric Acid Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNNN, is incorporated by reference as adopted April 17, 2003 (68 FR 19090).

**§113.1250. Engine Test Cells/Stands (40 Code of Federal Regulations Part 63, Subpart PPPPP).**

The Engine Test Cells/Stands Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPPPP, is incorporated by reference as adopted May 27, 2003 (68 FR 28785) with corrections published on August 28, 2003 (68 FR 51830).

**§113.1270. Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR).**

The Taconite Iron Ore Processing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRRR, is incorporated by reference as adopted October 30, 2003 (68 FR 61888).

**§113.1280. Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS).**

The Refractory Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSSS, is incorporated by reference as adopted April 16, 2003 (68 FR 18747).

**§113.1290. Primary Magnesium Refining (40 CFR Code of Federal Regulations Part 63, Subpart TTTTT).**

The Primary Magnesium Refining Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTT, is incorporated by reference as adopted October 10, 2003 (68 FR 58620).