

The Texas Commission on Environmental Quality (commission) adopts amendments to ~~§~~113.100, 113.105, 113.106, 113.110, 113.120, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.300, 113.320, 113.330, 113.350, 113.380, 113.390, 113.400, 113.420, 113.430, 113.440, 113.500, 113.550, 113.560, 113.600, 113.620, 113.640, 113.650, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.810, 113.840, 113.860, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1030, 113.1040, 113.1060, 113.1070, 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, 113.1260, 113.1270, 113.1280, and 113.1290 without changes to the proposed text as published in the August 24, 2007 issue of the *Texas Register* (32 TexReg 5296) and will not be republished. The commission also adopts new ~~§~~113.1390, 113.1400, 113.1410, and 113.1420 without changes to the proposed text as published in the August 24, 2007 issue of the *Texas Register* (32 TexReg 5296) and will not be republished. Section 113.870 is adopted with changes to the text and will be republished.

The commission does not adopt new ~~§~~113.1130 as published in the August 24, 2007, issue of the *Texas Register*. A federal court has issued a full vacatur of the National Emission Standards for Hazardous Air Pollutants for the source category referenced in this section.

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

The adopted amendments to Chapter 113 incorporate amendments that the United States Environmental Protection Agency (EPA) made to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, under Title 40 Code of Federal Regulations (40 CFR) Part 63 and add five NESHAPs that have not previously been incorporated into Chapter 113.

The adopted amendments to Chapter 113 incorporate by reference amendments that the EPA made to the NESHAP for Source Categories under 40 CFR Part 63. These are technology-based standards commonly referred to as the maximum achievable control technology (MACT) standards. The MACT standards are required by the Federal Clean Air Act Amendments of 1990 (FCAA),§112, which requires the EPA to develop national technology-based standards for new and existing sources of hazardous air pollutants listed in§112. The MACT standards are generally required to be based on the maximum degree of emission control that is achievable, taking into consideration cost and any non-air quality health and environmental impacts and energy requirements.

In addition, the adopted new sections incorporate by reference five MACT standards that have not been previously incorporated into Chapter 113. The EPA is developing these national standards to regulate emissions of hazardous air pollutants as required under 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 by commission staff for compatibility with current commission regulations and policies. The commission then incorporates them, as appropriate, 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 (Approval of State Programs and Delegation of Federal Authorities), which implements 42 USC,§7412(1). Upon delegation, the commission will be responsible for administering and enforcing the MACT requirements.

The commission adopts the incorporation of the following amendments that the EPA has made to the 40 CFR Part 63 General Provisions and 82 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, as discussed more specifically in the SECTION BY SECTION DISCUSSION in this preamble. The amended standards, along with their corresponding Chapter 113 sections and original incorporation dates, are listed in the following table.

Figure 1: 30 TAC Chapter 113 - Preamble - 1

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
A §113.100)	General Provisions	June 15, 2004
B §113.105)	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(j)	May 30, 2003
C §113.106)	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List	November 29, 2004

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
F §113.110)	Synthetic Organic Chemical Manufacturing Industry	June 23, 2003
G §113.120)	Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater	June 23, 2003
L §113.170)	Coke Oven Batteries	June 23, 2003
M §113.180)	Perchloroethylene Dry Cleaning Facilities	June 23, 2003
N §113.190)	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	July 19, 2004
O §113.200)	Ethylene Oxide Emissions Standards for Sterilization Facilities	June 23, 2003
Q §113.220)	Industrial Process Cooling Towers	June 23, 2003
R §113.230)	Gasoline Distribution Facilities	December 19, 2003
S §113.240)	Pulp and Paper Industry	June 23, 2003
T §113.250)	Halogenated Solvent Cleaning	June 23, 2003
U §113.260)	Group I Polymers and Resins	June 23, 2003
W §113.280)	Epoxy Resins Production and Non-Nylon Polyamides Production	June 23, 2003
Y §113.300)	Marine Vessel Loading	June 23, 2003
AA §113.320)	Phosphoric Acid Manufacturing Plants	June 23, 2003
BB §113.330)	Phosphate Fertilizers Production Plants	June 23, 2003
DD §113.350)	Off-Site Waste and Recovery Operations	June 23, 2003
GG §113.380)	Aerospace Manufacturing and Rework Facilities	June 23, 2003
HH §113.390)	Oil and Natural Gas Production Facilities	June 23, 2003
II §113.400)	Shipbuilding and Ship Repair (Surface Coating)	June 23, 2003
KK §113.420)	Printing and Publishing	June 23, 2003
LL §113.430)	Primary Aluminum Reduction Plants	June 23, 2003
MM §113.440)	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills	May 6, 2004
SS §113.500)	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process	July 12, 2002
XX §113.550)	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	July 12, 2002
YY §113.560)	Generic Maximum Achievable Control Technology	February 10, 2003

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
	Standards	
CCC §113.600)	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants	June 23, 2003
EEE §113.620)	Hazardous Waste Combustors	June 23, 2003
GGG §113.640)	Pharmaceuticals Production	June 23, 2003
HHH §113.650)	Natural Gas Transmission and Storage Facilities	June 23, 2003
JJJ §113.670)	Group IV Polymers and Resins	June 2, 2004
LLL §113.690)	Portland Cement Manufacturing Industry	June 23, 2003
MMM §113.700)	Pesticide Active Ingredient Production	June 23, 2003
NNN §113.710)	Wool Fiberglass Manufacturing	June 23, 2003
OOO §113.720)	Manufacture of Amino/Phenolic Resins	June 23, 2003
PPP §113.730)	Polyether Polyols Production	June 23, 2003 & July 1, 2004
QQQ §113.740)	Primary Copper Smelting	June 12, 2002
RRR §113.750)	Secondary Aluminum Production	June 23, 2003
TTT §113.770)	Primary Lead Smelting	June 23, 2003
UUU §113.780)	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	April 11, 2002
XXX §113.810)	Ferroalloys Production: Ferromanganese and Silicomanganese	June 23, 2003
AAAA §113.840)	Municipal Solid Waste Landfills	January 16, 2003
CCCC §113.860)	Manufacturing of Nutritional Yeast	May 21, 2001
EEEE §113.880)	Organic Liquids Distribution (Non-Gasoline)	February 3, 2004
FFFF §113.890)	Miscellaneous Organic Chemical Manufacturing	November 10, 2003
GGGG §113.900)	Solvent Extraction for Vegetable Oil Production	April 5, 2002
HHHH §113.910)	Wet-Formed Fiberglass Mat Production	April 11, 2002
IIII §113.920)	Surface Coating of Automobiles and Light-Duty Trucks	April 26, 2004
JJJJ §113.930)	Paper and Other Web Coating	December 4, 2002
KKKK §113.940)	Surface Coating of Metal Cans	November 13, 2003
MMMM §113.960)	Surface Coating of Miscellaneous Metal Parts and Products	April 26, 2004
NNNN §113.970)	Surface Coating of Large Appliances	July 23, 2002
OOOO §113.980)	Printing, Coating, and Dyeing of Fabrics and Other	May 29, 2003

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
	Textiles	
PPPP §113.990)	Surface Coating of Plastic Parts and Products	April 26, 2004
QQQQ §113.1000)	Surface Coating of Wood Building Products	May 28, 2003
RRRR §113.1010)	Surface Coating of Metal Furniture	May 23, 2003
TTTT §113.1030)	Leather Finishing Operations	February 27, 2002
UUUU §113.1040)	Cellulose Products Manufacturing	June 11, 2002
WWWW §113.1060)	Reinforced Plastic Composites Production	April 21, 2003
XXXX §113.1070)	Rubber Tire Manufacturing	March 12, 2003
YYYY §113.1080)	Stationary Combustion Turbines	August 18, 2004
ZZZZ §113.1090)	Stationary Reciprocating Internal Combustion Engines	June 15, 2004
AAAAA §113.1100)	Lime Manufacturing Plants	January 5, 2004
BBBBB §113.1110)	Semiconductor Manufacturing	May 22, 2003
CCCCC §113.1120)	Coke Ovens: Pushing, Quenching, and Battery Stacks	April 22, 2003
EEEEE §113.1140)	Iron and Steel Foundries	April 22, 2004
FFFFF §113.1150)	Integrated Iron and Steel Manufacturing Facilities	May 20, 2003
GGGGG §113.1160)	Site Remediation	October 8, 2003
HHHHH §113.1170)	Miscellaneous Coating Manufacturing	December 11, 2003 & December 29, 2003
IIIII §113.1180)	Mercury Emissions from Mercury Cell Chlor-Alkali Plants	December 19, 2003
JJJJ §113.1190)	Brick and Structural Clay Products Manufacturing	May 16, 2003 & May 28, 2003
KKKKK §113.1200)	Clay Ceramics Manufacturing	May 16, 2003 & May 28, 2003
LLLLL §113.1210)	Asphalt Processing and Asphalt Roofing Manufacturing	May 7, 2003
MMMMM §113.1220)	Flexible Polyurethane Foam Fabrication Operations	April 14, 2003
NNNNN §113.1230)	Hydrochloric Acid Production	April 17, 2003
PPPPP §113.1250)	Engine Test Cells/Stands	August 28, 2003
QQQQQ §113.1260)	Friction Materials Manufacturing Facilities	October 18, 2002
RRRRR §113.1270)	Taconite Iron Ore Processing	October 30, 2003
SSSSS §113.1280)	Refractory Products Manufacturing	April 16, 2003

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
TTTTT §113.1290)	Primary Magnesium Refining	October 10, 2003

The five recent federal MACT standards not currently included in Chapter 113 that the commission is adopting as incorporated by reference without change are summarized in the following table.

Figure 2: 30 TAC Chapter 113 - Preamble - 2

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
DDDD §113.870)	Plywood and Composite Wood Products
DDDDDD §113.1390)	Polyvinyl Chloride and Copolymers Production Area Sources
EEEEEE §113.1400)	Primary Copper Smelting Area Sources
FFFFFF §113.1410)	Secondary Copper Smelting Area Sources
GGGGGG §113.1420)	Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium

#### SECTION BY SECTION DISCUSSION

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

The commission adopts §113.100 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart A, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart A, on April 15, 2005 (70 FR 19992), December 16, 2005 (70 FR 74870), February 16, 2006 (71 FR 8342), April 20, 2006 (71 FR 20446), November 28, 2006 (71 FR 68750), December 6, 2006 (71 FR 70660), January 3, 2007 (72 FR 26), January 23, 2007 (72 FR 2930), and

May 16, 2007 (72 FR 27437). The April 15, 2005, amendments incorporated by reference the ANSI/ASME PTC 19.10-1981, a Flue and Exhaust Gas Analyses. The December 16, 2005, amendments give the new address to purchase material from the American Society of Mechanical Engineers (ASME). A new incorporation by reference of an ASME analysis was also added. The February 16, 2006, amendments incorporated by reference a source sampling method. The April 20, 2006, amendments revised compliance with standards and maintenance requirements, as well as monitoring, recordkeeping, and reporting requirements as they relate to startup, shutdown, and malfunction plans.

The November 28, 2006, amendments incorporated by reference the New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006. The December 6, 2006, January 3, 2007, and January 23, 2007 amendments incorporated by reference new test methods. The May 16, 2007, amendments allow for extensions to the deadline to conduct initial or subsequent performance tests due to a force majeure condition.

*Section 113.105--Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act §112(j) (40 CFR 63, Subpart B, §63.50 - 63.56)*

The commission adopts §113.105 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart B, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart B, on July 11, 2005 (70 FR 39662). The July 11, 2005, amendments revised Table 1 of 40 CFR Part 63, Subpart B to reflect the revised deadlines in a recently

amended consent decree relating to boilers and hydrochloric acid production furnaces that burn hazardous waste.

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

The commission adopts§113.106 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart C, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart C, on December 19, 2005 (70 FR 75047). The December 19, 2005, amendments revised the list of hazardous air pollutants contained in Federal Clean Air Act,§112 by removing the compound methyl ethyl ketone.

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

The commission adopts§113.110 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart F, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart F, on April 20, 2006 (71 FR 20446) and December 21, 2006 (71 FR 76614). The April 20, 2006, amendments revised general standards and maintenance wastewater requirements as they relate to startup, shutdown, and malfunction plans. The December 21, 2006, amendments removed methyl ethyl ketone from the Hazardous Organic NESHAP (HON) tables of this subpart.

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

The commission adopts§113.120 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart G, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart G, on December 23, 2004 (69 FR 76863), April 20, 2006 (71 FR 20446), and December 21, 2006 (71 FR 76603). The December 23, 2004, amendments revised the HON to allow vapor balancing in conjunction with the use of a pressure setting to comply with the storage tank control requirements standards. The April 20, 2006, amendments revised the general reporting and continuous recordkeeping requirements as they relate to startup, shutdown, and malfunction plans. The December 21, 2006, amendments removed methyl ethyl ketone from HON tables and clarified the requirement to re-determine Group status for wastewater streams if process or operational changes occur that could reasonably change the wastewater stream from a Group 2 to a Group 1 stream. In addition, these amendments waived all notification and reporting requirements for owners or operators of facilities where railcars, tank trucks, or barges, which are part of the vapor balancing control option, are reloaded or cleaned. This allows off-site reloading and cleaning operations to comply with monitoring, recordkeeping, and reporting provisions of any other applicable 40 CFR Part 63 standard in lieu of the monitoring, recordkeeping, and reporting in the HON.

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

The commission adopts§113.170 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart L, made by the EPA since this section was last amended. During this time frame,

the EPA amended 40 CFR Part 63, Subpart L, on April 15, 2005 (70 FR 19992) and April 20, 2006 (71 FR 20446). The April 15, 2005, amendments clarified limits for visible emissions for existing by-product batteries and improved control of charging emissions from a new non-recovery battery. In addition, these amendments required the owner or operator to implement a work practice standard designed to ensure that the draft on the oven is maximized during charging. The April 20, 2006, amendments revised the definition of malfunction and the requirements for startup, shutdown, and malfunctions.

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

The commission adopts §113.180 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart M, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart M, on December 19, 2005 (70 FR 75320), July 27, 2006 (71 FR 42724), and September 21, 2006 (71 FR 55280). The December 19, 2005, amendments revised the applicability to state that area sources subject to the NESHAP are exempt from the obligation to obtain operating permits under 40 CFR Part 70 (State Operating Permit Programs) or 71 (Federal Operating Permit Programs), unless the source would be required to obtain these permits for another reason, as defined in 40 CFR Part 70 or 71. The July 27, 2006, amendments promulgated revisions to take into account new developments in production practices, processes, and control technologies. In addition, these amendments promulgated more stringent standards for major sources in order to protect public health with an ample margin of safety. The September 21, 2006, amendments corrected a typographical error.

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

The commission adopts§113.190 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart N, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart N, on December 19, 2005 (70 FR 75320) and April 20, 2006 (71 FR 20446). The December 19, 2005, amendments revised the applicability to state that area sources subject to the NESHAP are exempt from the obligation to obtain operating permits under 40 CFR Part 70 or 71, unless the source would be required to obtain these permits for another reason, as defined in 40 CFR Part 70 or 71. The April 20, 2006, amendments revised standards as they relate to startup, shutdown, and malfunction plans.

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

The commission adopts§113.200 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart O, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart O, on December 19, 2005 (70 FR 75320). The December 19, 2005, amendments revised the applicability to state that area sources subject to the NESHAP are exempt from the obligation to obtain operating permits under 40 CFR Part 70 or 71, unless the source would be required to obtain these permits for another reason, as defined in 40 CFR Part 70 or 71.

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

The commission adopts§113.220 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Q, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart Q, on April 7, 2006 (71 FR 17738). The April 7, 2006, amendments revised the applicability requirements to provide that sources that are operated with chromium-based water treatment chemicals are to be subject to the standard.

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

The commission adopts§113.230 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart R, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart R, on April 6, 2006 (71 FR 17352). The April 6, 2006, amendments updated reporting and recordkeeping requirements pertaining to annual certification testing and railcar bubble leak testing.

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

The commission adopts§113.240 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart S, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart S, on April 13, 2004 (69 FR 19734). The April 13, 2004, amendments affect a semi-chemical pulp and paper mill located in Tomahawk, Wisconsin.

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

The commission adopts§113.250 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart T, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart T, on December 19, 2005 (70 FR 75320) and May 3, 2007 (72 FR 25138). The December 19, 2005, amendments revised the applicability to state that area sources subject to the NESHAP are exempt from the obligation to obtain operating permits under 40 CFR Part 70 or 71, unless the source would be required to obtain these permits for another reason, as defined in 40 CFR Part 70 or 71. The May 3, 2007, amendments revised the emission limits of methylene chloride, trichloroethylene, and perchloroethylene from facilities engaged in halogenated solvent cleaning. The standards became more stringent to provide an ample margin of safety to protect public health.

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

The commission adopts§113.260 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart U, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart U, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general recordkeeping and reporting provisions as they relate to startup, shutdown, and malfunction plans.

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

The commission adopts§113.280 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart W, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart W, on April 20, 2006 (71 FR 20446). The April 20, 2006,

amendments revised the monitoring requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.300 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Y, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart Y, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised standards to require an operation and maintenance plan to be written.

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

The commission adopts§113.320 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart AA, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart AA, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the applicability as it relates to startup, shutdown, and malfunctions.

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

The commission adopts§113.330 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart BB, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart BB, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the applicability as it relates to startup, shutdown, and malfunctions.

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

The commission adopts§113.350 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart DD, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart DD, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the inspection and monitoring requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.380 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GG, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart GG, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general standards as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.390 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HH, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart HH, on April 20, 2006 (71 FR 20446) and January 3, 2007 (72 FR 26). The April 20, 2006, amendments revised the inspection and monitoring requirements and general provisions as they relate to startup, shutdown, and malfunctions. The January 3, 2007, amendments revised the applicability and designation of affected source, definitions, standards, test methods, compliance procedures, compliance demonstrations, and recordkeeping and reporting

requirements to reflect that oil and natural gas production is identified as an area source category under FCAA, §112(c)(3).

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

The commission adopts §113.400 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart II, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart II, on December 29, 2006 (71 FR 78369). The December 29, 2006, amendments revised and added new definitions and eliminated the term "pleasure craft." These amendments also excluded those coating activities that are subject to emission limitations or work practices under the NESHAP for boat manufacturing and they amended the compliance period for shipbuilding and ship operations.

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

The commission adopts §113.420 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart KK, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart KK, on May 24, 2006 (71 FR 29792). The May 24, 2006, amendments revised the applicability, which includes a provision for some sources to establish and maintain themselves as area sources of HAP with respect to this NESHAP. These amendments also provided an option for including stand-alone coating equipment and revised definitions, standards, performance test methods, and monitoring, recordkeeping and reporting requirements.

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

The commission adopts §113.430 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LL, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart LL, on November 2, 2005 (70 FR 66280) and April 20, 2006 (71 FR 20446). The November 2, 2005, amendments revised the emission limit for polycyclic organic matter applicable to one potline subcategory. The amendments also revised the compliance provisions to clarify the dates which all plants must meet the NESHAP requirements and to specify the time allowed to demonstrate initial compliance for a new or reconstructed potline, anode bake furnace, or pitch storage tank, as well as an existing potline or anode bake furnace that has been shutdown and subsequently restarted. The April 20, 2006, amendments revised the emission monitoring requirements, as well as the notification, reporting and recordkeeping requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts §113.440 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MM, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart MM, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the monitoring and recordkeeping requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.500--Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 CFR 63, Subpart SS)*

The commission adopts§113.500 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart SS, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart SS, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the recordkeeping requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.550--Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 CFR 63, Subpart XX)*

The commission adopts§113.550 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart XX, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart XX, on April 13, 2005 (70 FR 19266). The April 13, 2005, amendments clarified the compliance requirements for benzene waste streams and the requirements for heat exchangers and heat exchanger systems. These amendments also stipulate the provisions for off-site waste transfer.

*Section 113.560--Generic Maximum Achievable Control Technology Standards (40 CFR 63, Subpart YY)*

The commission adopts§113.560 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart YY, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart YY, on April 13, 2005 (70 FR 19266) and April 20, 2006 (71 FR

20446). The April 13, 2005, amendments corrected the regulatory language that made emissions from ethylene cracking furnaces during decoking operations an exception to the provisions. These amendments also delineate overlapping requirements for storage vessels and transfer racks. The April 20, 2006, amendments revised the definition of malfunction and requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts §113.600 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CCC, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart CCC, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the reporting requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts §113.620 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EEE, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart EEE, on October 12, 2005 (70 FR 59402), April 20, 2006 (71 FR 20446), and October 25, 2006 (71 FR 62388). The October 12, 2005, amendments implement FCAA, §12(d) by requiring hazardous waste combustors to meet HAP emission standards reflecting the performance of the MACT. The April 20, 2006, amendments revised the compliance requirements as they relate to startup, shutdown, and malfunctions. The October 25, 2006, amendments suspend the

obligation of new cement kilns to comply with the particulate matter standard until the EPA takes final action on the proposal.

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

The commission adopts§113.640 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GGG, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart GGG, on May 13, 2005 (70 FR 25666) and April 20, 2006 (71 FR 20446). The May 13, 2005, amendments added a reference to an existing generic standard as a compliance alternative for large wastewater containers; applied the same planned routine maintenance provisions for storage tanks to wastewater tanks; allowed monitoring of the condenser product side temperature in lieu of the exit gas temperature; and allowed monitoring of caustic strength of the scrubber effluent as an alternative to measuring pH. The April 20, 2006, amendments revised the definition of malfunction. The wastewater standards, monitoring requirements, and recordkeeping requirements were also amended, requiring a startup, shutdown, and malfunction plan.

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

The commission adopts§113.650 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HHH, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart HHH, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the inspection and monitoring requirements, as well as the general provisions as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.670 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJJ, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart JJJ, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general recordkeeping and reporting provisions requiring a startup, shutdown, and malfunction plan.

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

The commission adopts§113.690 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LLL, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart LLL, on December 20, 2006 (71 FR 76518). The December 20, 2006, amendments revised the standards and operating limits for kilns and in-line kiln/raw mills. The amendments also revised the standards for new or reconstructed raw material dryers and updated the performance testing requirements, monitoring and recordkeeping requirements, and compliance dates.

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

The commission adopts§113.700 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MMM, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart MMM, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the definition of malfunction. These amendments also revised the

monitoring, inspection, and recordkeeping provisions by requiring a startup, shutdown, and malfunction plan.

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

The commission adopts§113.710 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart NNN, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart NNN, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the standards requiring an operation and maintenance plan to be written.

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

The commission adopts§113.720 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart OOO, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart OOO, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the definition of malfunction. These amendments also revised the compliance and recordkeeping requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.730 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PPP, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart PPP, on April 20, 2006 (71 FR 20446). The April 20, 2006,

amendments revised the general recordkeeping and reporting provisions as they relate to startup, shutdown, and malfunctions.

*Section 113.740--Primary Copper Smelting (40 CFR 63, Subpart QQQ)*

The commission adopts§113.740 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart QQQ, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart QQQ, on July 14, 2005 (70 FR 40672) and April 20, 2006 (71 FR 20446). The July 14, 2005, amendments corrected the monitoring requirements for control systems other than baghouses and venturi wet scrubbers. The April 20, 2006, amendments revised requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.750 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart RRR, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart RRR, on September 3, 2004 (69 FR 53980), October 3, 2005 (70 FR 57513), December 19, 2005 (70 FR 75320), and April 20, 2006 (71 FR 20446). The September 3, 2004, amendments clarified regulatory text, corrected errors, and improved understanding of the rule requirements. The definitions were revised by deleting the definition of internal runaround replacing it with a definition of runaround scrap, and revising the definition of “T<sub>i</sub>” to state the proper units. These amendments included units for emissions of dioxin/furans (D/F) to clarify that the requirements for measurement of feed/charge weight apply to facilities subject to emission limits for D/F, as well as

emission limits for other pollutants. The September 3, 2004, amendments also revised the operating requirements for dross-only furnaces to be consistent with the definition for this type of furnace.

Equation 7 in 40 CFR, §63.1513 was amended to apply only to particulate matter and hydrogen chloride emissions and a separate equation for computing D/F emissions was added in the appropriate measurement units for the standard. The requirements for the semiannual excess emission/summary reports were also amended.

The October 3, 2005, amendments corrected a punctuation error in the definition of clean charge, and a typographical error in the operating temperature of a scrap dryer/delacquering kiln/decoating kiln afterburner. The December 19, 2005, amendments revised the applicability to state that area sources subject to the NESHAP are exempt from the obligation to obtain operating permits under 40 CFR Part 70 or 71, unless the source would be required to obtain these permits for another reason, as defined in 40 CFR Part 70 or 71. The April 20, 2006, amendments revised the reporting requirements as they relate to startup, shutdown, and malfunction plans.

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

The commission adopts §113.770 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart TTT, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart TTT, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the definition of malfunction. In addition, the monitoring requirements were amended as they relate to startup, shutdown, and malfunctions.

*Section 113.780--Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 CFR 63, Subpart UUU)*

The commission adopts §113.780 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart UUU, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart UUU, on February 9, 2005 (70 FR 6930) and April 20, 2006 (71 FR 20446). The February 9, 2005, amendments revised the affected source designations and added new compliance options for catalytic reforming units that use different types of emission control systems. These amendments added new monitoring alternatives for catalytic cracking units and catalytic reforming units, and a new procedure for determining the metal or total chloride concentration on catalyst particles. The February 9, 2005, amendments also deferred technical requirements for most continuous parameter monitoring systems. In addition, these amendments clarified the testing and monitoring requirements, and included editorial corrections. The April 20, 2006, amendments revised the general requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts §113.810 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart XXX, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart XXX, on April 20, 2006 (71 FR 20446). The April 20, 2006,

amendments revised the definition of malfunction. The amendments also revised performance testing, test methods and compliance demonstrations relating to startup, shutdown, and malfunctions.

*Section 113.840--Municipal Solid Waste Landfills (40 CFR 63, Subpart AAAA)*

The commission adopts§113.840 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart AAAA, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart AAAA, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the compliance determination and deviation requirements as they relate to startup, shutdown, and malfunction plans.

*Section 113.860--Manufacturing of Nutritional Yeast (40 CFR 63, Subpart CCCC)*

The commission adopts§113.860 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CCCC, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart CCCC, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.870--Plywood and Composite Wood Products (40 CFR 63, Subpart DDDD)*

The commission adopts new§113.870 by incorporating by reference, the final promulgated rules in 40 CFR Part 63, Subpart DDDD, adopted by the EPA on July 30, 2004 (69 FR 45944), as amended on February 16, 2006 (71 FR 8342), April 20, 2006 (71 FR 20446), and October 29, 2007 (72 FR 61060). This MACT standard regulates HAP emissions from plywood and composite wood product facilities and

sawmills with lumber kilns that are major sources. HAPs emitted from these facilities include:  
acetaldehyde, acrolein, formaldehyde, methanol, phenol, and propionaldehyde.

The February 16, 2006, amendments addressed a petition for reconsideration of certain provisions, and amended the applicability, general requirements, and definitions. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunction plans. A federal court has partially vacated portions of the plywood and composite wood product MACT, and the EPA has published a final rule announcing the Court decision and promulgating ministerial amendments that will incorporate the Court's decision into the Code of Federal Regulations.

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

The commission adopts §113.880 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EEEE, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart EEEE, on April 20, 2006 (71 FR 20446) and July 28, 2006 (71 FR 42898). The April 20, 2006, amendments revised the general requirements and provisions as they relate to startup, shutdown, and malfunctions. The July 28, 2006, amendments provided an additional, equivalent control option that allows routing of displaced HAP vapors to a storage tank with a common header. An option was added to allow vapor balancing back to transport vehicle for storage tanks when they are being filled with organic liquids. A compliance date extension was added for all storage tanks. These amendments also revised the recordkeeping and reporting requirements for emissions sources that do not require control.

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

The commission adopts §113.890 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart FFFF, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart FFFF, on July 1, 2005 (70 FR 38554), March 1, 2006 (71 FR 10439), April 20, 2006 (71 FR 20446), and July 14, 2006 (71 FR 40316). The July 1, 2005, amendments clarified the compliance requirements for flares and the alternative standards, which limit the outlet concentration to 20 parts per million. These amendments also extended the vapor balancing alternative to cover transfers from barges to storage tanks and amended the procedures for correcting measured concentrations at the outlet of combustion devices to correct for dilution by supplemental gas. The July 1, 2005, amendments also clarified the signature requirements for the notification of compliance status report.

The March 1, 2006, amendments extended the compliance date for existing sources by 18 months. The April 20, 2006, amendments revised the general provisions as they relate to startup, shutdown, and malfunction plans. The July 14, 2006, amendments clarified the applicability of MACT FFFF, provided additional compliance options, modified initial and continuous compliance requirements, and simplified the recordkeeping and reporting requirements. These provisions will reduce the burden associated with demonstrating compliance without affecting emissions control or the ability of enforcement agencies to ensure compliance.

*Section 113.900--Solvent Extraction for Vegetable Oil Production (40 CFR 63, Subpart GGGG)*

The commission adopts §113.900 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GGGG, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart GGGG, on September 1, 2004 (69 FR 53338) and April 20, 2006 (71 FR 20446). The September 1, 2004, amendments revised the compliance requirements for vegetable oil production processes that exclusively use a qualifying low-HAP extraction solvent. The April 20, 2006, amendments revised definitions and compliance with HAP emission standards. These amendments also required a startup, shutdown, and malfunction plan.

*Section 113.910--Wet-Formed Fiberglass Mat Production (40 CFR 63, Subpart HHHH)*

The commission adopts §113.910 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HHHH, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart HHHH, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the operating limits and required a startup, shutdown, and malfunction plan.

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

The commission adopts §113.920 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart IIII, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart IIII, on April 20, 2006 (71 FR 20446), December 22, 2006 (71 FR 76922), and April 24, 2007 (72 FR 20227). The April 20, 2006, amendments revised the general requirements and added requirements for demonstrating compliance relating to startup, shutdown, and

malfunctions. The December 22, 2006, amendments allowed the owner or operator of an automobile and light-duty coating affected source to include in that affected source any coating operation which applies coatings to parts intended for use in new automobiles, new light-duty trucks, or aftermarket repair or replacement parts for automobiles or light-duty trucks which would otherwise be subject to the Miscellaneous Metal Part NESHAP or the Plastic Parts NESHAP. These amendments also added an option to include the coating of heavier vehicle bodies, body parts for heavier vehicles, and parts for heavier vehicles in the affected source under this NESHAP. The April 24, 2007, amendments revised the applicability, recordkeeping requirements, determination of initial compliance, and definitions.

*Section 113.930--Paper and Other Web Coating (40 CFR 63, Subpart JJJJ)*

The commission adopts§113.930 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJJJ, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart JJJJ, on May 24, 2006 (71 FR 29792). The May 24, 2006, amendments revised what is subject to this subpart by including any web coating lines.

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

The commission adopts§113.940 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart KKKK, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart KKKK, on January 6, 2006 (71 FR 1378) and April 20, 2006 (71 FR 20446). The January 6, 2006, amendments updated operating limits to state that new and reconstructed sources must meet the operating limits at all times after they have been established during the

performance test, and existing sources must meet the operating limits at all times after the compliance date of November 13, 2006. These amendments also added the phrase “considering controls” to the description of major source of HAP emissions and all required calculations. In addition, all compliance demonstrations may be performed using either metric or English units. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts §113.960 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart M M M M, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart M M M M, on April 20, 2006 (71 FR 20446) and December 22, 2006 (71 FR 76927). The April 20, 2006, amendments revised the general requirements as they relate to startup, shutdown, and malfunctions. The December 22, 2006, amendments allowed the coating of heavier vehicle bodies, metal body parts for heavier vehicles, and other metal parts for heavier vehicles to comply with the Automobiles and Light-Duty Trucks NESHAP in lieu of complying with the Miscellaneous Metal Part NESHAP.

*Section 113.970--Surface Coating of Large Appliances (40 CFR 63, Subpart N N N N)*

The commission adopts §113.970 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart N N N N, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart N N N N, on April 20, 2006 (71 FR 20446). The April 20, 2006,

amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.980 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart OOOO, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart OOOO, on August 4, 2004 (69 FR 47001), April 20, 2006 (71 FR 20446), and May 24, 2006 (71 FR 29792). The August 4, 2004, amendments revised the standards to clarify the applicability of the Fabric NESHAP to coating, slashing, dyeing, or finishing operations at synthetic fiber manufacturing facilities where the fibers are the final product of the facility. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions. The May 24, 2006, amendments revised what is subject to the subpart to include any web coating lines.

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

The commission adopts§113.990 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PPPP, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart PPPP, on April 20, 2006 (71 FR 20446), December 22, 2006 (71 FR 76827), and April 24, 2007 (72 FR 20227). The April 20, 2006, amendments revised the general requirements as they relate to startup, shutdown, and malfunctions. The December 22, 2006, amendments allow the coating of heavier plastic vehicle bodies, plastic body parts for heavier vehicles,

and other plastic parts for heavier vehicles to comply with the Automobiles and Light-Duty Trucks NESHAP in lieu of the Plastic Parts NESHAP. The April 24, 2007, amendments revised the applicability to not allow screen printing.

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

The commission adopts§113.1000 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart QQQQ, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart QQQQ, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1010 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart RRRR, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart RRRR, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general provisions as they relate to startup, shutdown, and malfunction plans.

*Section 113.1030--Leather Finishing Operations (40 CFR 63, Subpart TTTT)*

The commission adopts§113.1030 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart TTTT, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart TTTT, on February 7, 2005 (70 FR 6355). The February 7, 2005,

amendments clarified the frequency for categorizing leather product process types, modified the definition of specialty leather, added a definition for vacuum mulling, and added an alternative procedure for determining the actual monthly solvent loss from an affected source.

*Section 113.1040--Cellulose Products Manufacturing (40 CFR 63, Subpart UUUU)*

The commission adopts§113.1040 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart UUUU, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart UUUU, on June 24, 2005 (70 FR 36523), August 10, 2005 (70 FR 46684) and April 20, 2006 (71 FR 20446). The June 24, 2005, amendments corrected the date in the definition of a process change that was included in the final rule. The August 10, 2005, amendments revised the work practice standards, general and initial compliance requirements, definitions, and general provisions applicability, as well as correct typographical, formatting, and cross-referencing errors. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1060 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart WWWW, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart WWWW, on August 25, 2005 (70 FR 50118) and April 20, 2006 (71 FR 20446). The August 25, 2005, amendments revised compliance options for open molding,

corrected errors, and added clarification to sections of the rule. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.1070--Rubber Tire Manufacturing (40 CFR 63, Subpart XXXX)*

The commission adopts§113.1070 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart XXXX, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart XXXX, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1080 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart YYYY, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart YYYY, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1090 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart ZZZZ, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart ZZZZ, on April 20, 2006 (71 FR 20446). The April 20, 2006,

amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1100 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart AAAAA, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart AAAAA, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1110 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart BBBBB, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart BBBBB, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general provisions as they relate to startup, shutdown, and malfunction plans.

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

The commission adopts§113.1120 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CCCCC, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart CCCCC, on October 13, 2004 (69 FR 60813), August 2, 2005 (70 FR 44285), and April 20, 2006 (71 FR 20446). The October 13, 2004, amendments revised the

parametric operating limits and associated compliance provisions for capture systems used to control emissions from pushing. The October 13, 2004, amendments also amended the requirements for mobile scrubber cars that capture emissions which occur during pushing and travel. The operating limit was amended to state that the requirement applies to capture systems that use an electric motor to drive the fan. These amendments also added requirements for demonstrating initial and continuous compliance with the new operating limit for daily average static pressure or fan revolutions per minute. The provision to complete all repairs within 30 days after the defect or deficiency is found was replaced.

The August 2, 2005, amendments required a plant owner or operator to complete repairs within 30 days after the date that the defect or deficiency is discovered. In addition, the August 2, 2005, amendments clarified some sampling procedures. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1140 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EEEEE, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart EEEEE, on May 20, 2005 (70 FR 29400) and April 20, 2006 (71 FR 20446). The May 20, 2005, amendments clarified that the scrap requirements apply to each type of scrap material received or each scrap storage area, pile, or bin as long as the scrap material subject to certification requirements remains segregated from scrap material subject to selection/inspection plans.

The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1150 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart FFFFF, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart FFFFF, on April 20, 2006 (71 FR 20446) and July 13, 2006 (71 FR 39579). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions. The July 13, 2006, amendments added a new compliance option, revised emission limitations, reduced the frequency of repeat performance tests for certain emission units, added corrective action requirements, and clarified monitoring, recordkeeping, and reporting requirements.

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

The commission adopts§113.1160 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GGGGG, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart GGGGG, on April 20, 2006 (71 FR 20446) and November 29, 2006 (71 FR 69011). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions. The November 29, 2006, amendments revised the major source determination requirements used for determining the applicability for certain facilities involved with oil and natural gas production. These amendments clarified how the 1 megagram

applicability exemption is to be applied at a facility, and clarified the intent for application of the 30-day site remediation exemption, including those situations when the remediation material is transferred off-site. The November 29, 2006, amendments also revised the applicable regulatory language referring to the point at which the facility owner or operator determines the average volatile organic HAP concentration of a remediation material and added a compliance option.

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

The commission adopts §113.1170 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HHHHH, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart HHHHH, on May 13, 2005 (70 FR 25666), December 21, 2005 (70 FR 75924), April 20, 2006 (71 FR 20446), and October 4, 2006 (71 FR 58499). The May 13, 2005, amendments were as follows: added a reference to an existing general standard as a compliance alternative for large wastewater containers; applied the same planned routine maintenance provisions for storage tanks to wastewater tanks; allowed monitoring of the condenser product side temperature in lieu of the exit gas temperature; and allowed monitoring of caustic strength of the scrubber effluent as an alternative to measuring pH.

The December 21, 2005, amendments specified that certain raw material formulation data as supplied to coating manufacturers may be used to demonstrate compliance with the weight percent HAP limit. The April 20, 2006, amendments revised the general provisions as they relate to startup, shutdown, and malfunction plans. The October 4, 2006, amendments clarified that coating manufacturing means the

production of coatings using operations such as mixing and blending, not reaction or separation processes used in chemical manufacturing. These amendments extended the compliance date for certain coating manufacturing equipment that is also part of a chemical manufacturing process unit. In addition, the October 4, 2006, amendments clarified that operations by end users that modify a purchased coating prior to application at the purchasing facility are exempt.

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

The commission adopts§113.1180 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart IIIII, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart IIIII, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1190 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJJJJ, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart JJJJJ, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1200 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart KKKKK, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart KKKKK, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1210 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LLLLL, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart LLLLL, on May 17, 2005 (70 FR 28360) and April 20, 2006 (71 FR 20446). The May 17, 2005, amendments included correction of errors in definitions and equations and added language to one other provision so that the rule language conforms to the preamble discussion to the final rule. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1220 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MMMMM, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart MMMMM, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1230 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart NNNNN, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart NNNNN, on April 7, 2006 (71 FR 17738) and April 20, 2006 (71 FR 20446). The April 7, 2006, amendments completed the following: updated applicability provisions; revised definitions; and updated emission standards, storage tank maintenance, notification and reporting requirements, and monitoring and leak detection and repair plans. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1250 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PTTTT, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart PTTTT, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.1260--Friction Materials Manufacturing Facilities (40 CFR 63, Subpart QQQQ)*

The commission adopts§113.1260 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart QQQQ, made by the EPA since this section was adopted. During this time frame,

the EPA amended 40 CFR Part 63, Subpart QQQQQ, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1270 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart RRRRR, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart RRRRR, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1280 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart SSSSS, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart SSSSS, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

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

The commission adopts§113.1290 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart TTTTT, made by the EPA since this section was adopted. During this time frame, the

EPA amended 40 CFR Part 63, Subpart TTTTT, on April 20, 2006 (71 FR 20446). The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions.

*Section 113.1390--Polyvinyl Chloride and Copolymers Production Area Sources (40 CFR 63, Subpart DDDDDD)*

The commission adopts new§113.1390 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart DDDDDD, adopted by the EPA on January 23, 2007 (72 FR 2930). This MACT standard regulates HAP emissions for polyvinyl chloride and copolymers production area sources. The HAP emitted from these facilities is vinyl chloride.

*Section 113.1400--Primary Copper Smelting Area Sources (40 CFR 63, Subpart EEEEE)*

The commission adopts new§113.1400 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart EEEEE, adopted by the EPA on January 23, 2007 (72 FR 2930). This MACT standard regulates HAP emissions for primary copper smelting area sources. HAPs emitted from these facilities include: arsenic, cadmium, chromium, lead, and nickel.

*Section 113.1410--Secondary Copper Smelting Area Sources (40 CFR 63, Subpart FFFFF)*

The commission adopts new§113.1410 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart FFFFF, adopted by the EPA on January 23, 2007 (72 FR

2930). This MACT standard regulates HAP emissions for secondary copper smelting area sources. HAPs emitted from these facilities include: cadmium, lead, and dioxin.

*Section 113.1420--Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium (40 CFR 63, Subpart GGGGGG)*

The commission adopts new§113.1420 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart GGGGGG, adopted by the EPA on January 23, 2007 (72 FR 2930). This MACT standard regulates HAP emissions for primary nonferrous metals area sources that produce zinc, cadmium or beryllium. HAPs emitted from these facilities include: arsenic, cadmium, lead, manganese, and nickel.

In addition, non-substantive, administrative revisions were made to Chapter 113.

#### FINAL REGULATORY IMPACT ASSESSMENT DETERMINATION

The commission reviewed the rulemaking in light of the regulatory impact analysis (RIA) requirements of Texas Government Code,§2001.0225, and determined that the rulemaking does not meet the definition of a major environmental rule as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis.

A major environmental rule means 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, 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. The specific intent of these rules is to adopt NESHAPs for source categories mandated by 42 USC,§7412 and required to be included in operating permits by 42 USC,§7661a. These NESHAPs are technology based standards commonly referred to as MACT standards which the EPA develops to regulate emissions of hazardous air pollutants as required under the FCAA. Certain sources of hazardous air pollutants will be affected and are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from the EPA. As discussed in the FISCAL NOTE portion of the proposal preamble, these rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond what is already required to comply with federal MACT standards, and will not adversely affect in a material way 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.

Additionally, the rulemaking does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in Texas Government Code, §2001.0225(a). 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.

Under 42 USC,§7661a, states are required to have federal operating permit programs that provide authority to issue permits and assure compliance with each applicable standard, regulation or requirement under the FCAA, including NESHAPs, which are required under 42 USC,§7412. Similar to requirements in 42 USC,§7410, regarding the requirement to adopt and implement plans to attain and maintain the National Ambient Air Quality Standards (NAAQS), states are not free to ignore requirements in 42 USC,§7661a, and must develop and submit programs to provide for operating permits for major sources that include all applicable requirements of the FCAA.

The requirement to provide a fiscal analysis of regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th legislative session. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis of extraordinary rules. These are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement would seldom apply, the commission provided a cost estimate for SB 633 that concluded "based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application." The commission also noted that the number of rules that would require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law.

Because of the ongoing need to meet federal requirements, the commission routinely proposes and adopts rules incorporating or designed to satisfy specific federal requirements. The legislature is presumed to understand this federal scheme. If each rule proposed, and adopted by the commission in order to meet a federal requirement was considered to be a major environmental rule that exceeds federal law, then each of those rules would require the full RIA contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the commission believes that the intent of SB 633 was only to require the full RIA for rules that are extraordinary in nature. While the adopted rules may have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of the FCAA, and in fact creates no additional impacts since the adopted rules do not modify the federal NESHAP, but are incorporations by reference, which do not change the federal requirements.

For these reasons, the adopted rules fall under the exception in Texas Government Code, §2001.0225(a), because they are required by, and do not exceed, federal law.

The commission has consistently applied this construction to its rules since this statute was enacted in 1997. Since that time, the legislature has revised the Texas Government Code, but left this provision substantially un-amended. It is presumed that "when an agency interpretation is in effect at the time

the legislature amends the laws without making substantial change in the statute, the legislature is deemed to have accepted the agency's interpretation." (*Central Power & Light Co. v. Sharp*, 919 S.W.2d 485, 489 (Tex. App. Austin 1995), *writ denied with per curiam opinion respecting another issue*, 960 S.W.2d 617 (Tex. 1997); *Bullock v. Marathon Oil Co.*, 798 S.W.2d 353, 357 (Tex. App. Austin 1990, *no writ*). *Cf. Humble Oil & Refining Co. v. Calvert*, 414 S.W.2d 172 (Tex. 1967); *Dudney v. State Farm Mut. Auto Ins. Co.*, 9 S.W.3d 884, 893 (Tex. App. Austin 2000); *Southwestern Life Ins. Co. v. Montemayor*, 24 S.W.3d 581 (Tex. App. Austin 2000, *pet. denied*); and *Coastal Indust. Water Auth. v. Trinity Portland Cement Div.*, 563 S.W.2d 916 (Tex. 1978).)

The commission's interpretation of the RIA requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA against the standard of "substantial compliance" (Texas Government Code, §2001.035). The legislature specifically identified Texas Government Code, §2001.0225 as falling under this standard. As discussed in this analysis and elsewhere in this preamble, the commission has substantially complied with the requirements of §2001.0225.

The adopted rules implement requirements of the FCAA. The MACT standards being incorporated into state law are federal technology-based standards that are required by 42 USC §7412, required to be included in permits under 42 USC §7661a, are adopted by reference without modification or substitution, and will not exceed any standard set by state or federal law. These rules are not an express requirement

of state law. The adopted rules do not exceed a requirement of a delegation agreement or a contract between state and federal government, as the EPA will delegate the MACTs to Texas in accord with the delegation procedures codified in 40 CFR Part 63, if this rulemaking is adopted. The amendments were not developed solely under the general powers of the agency, but are authorized by specific sections of Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act), and the Texas Water Code, which are cited in the STATUTORY AUTHORITY section of this preamble, including Texas Health and Safety Code, ~~§~~382.011, 382.012, and 382.017.

Therefore, this adoption rulemaking action is not subject to the regulatory analysis provisions of Texas Government Code, ~~§~~2001.0225(b). The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period, but no comments were received concerning the regulatory impact analysis determination

#### TAKINGS IMPACT ASSESSMENT

Under Texas Government Code, ~~§~~2007.002(5), taking means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or ~~§~~17 or ~~§~~19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole, or in part, or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental

action; and is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The commission completed a takings impact analysis for this rulemaking action under the Texas Government Code, §2007.043. The primary purpose of this rulemaking action, as discussed elsewhere in this preamble, is to adopt NESHAPs for source categories mandated by 42 USC, §7412 and required to be included in operating permits by 42 USC, §7661a and facilitate implementation and enforcement of the NESHAPs by the state. The adopted rules will not create any additional burden on private real property. Under federal law, the affected industries will be required to comply with the NESHAPs regardless of whether the commission or the EPA is the agency responsible for implementation of the NESHAPs. The adopted rules will not affect private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. The adoption also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the adoption rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the adoption rulemaking and found that the adoption 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 conducted a consistency determination for the adopted rules in accordance with Coastal Coordination Act Implementation Rules, 31 TAC§505.22, and found the adoption rulemaking is consistent with the applicable CMP goals and policies.

CMP goals applicable to the adopted rules are to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas. The CMP policy applicable to the adopted 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 taking into consideration cost and any non-air quality health and environmental impacts and energy requirements.

Promulgation and enforcement of these rules will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rules are consistent with these CMP goals and policies and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency of this rulemaking with the CMP during the public comment period, but no comments on the CMP were received.

EFFECT ON SITES SUBJECT TO THE FEDERAL OPERATING PERMITS PROGRAM

Chapter 113 is an applicable requirement under 30 TAC Chapter 122, Federal Operating Permits Program. Owners or operators subject to the Federal Operating Permits Program must, consistent with the revision process in Chapter 122, upon the effective date of the adopted rulemaking, revise their operating permits to include the new Chapter 113 requirements.

#### PUBLIC COMMENT

A public hearing on the proposal was held in Austin, Texas on September 18, 2007 at the TCEQ Central Office. No comments were received at the public hearing. The commission received no written comments during the public comment period, which closed on September 24, 2007.

**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, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230,  
113.240, 113.250, 113.260, 113.280, 113.300, 113.320, 113.330, 113.350, 113.380, 113.390, 113.400,  
113.420, 113.430, 113.440, 113.500, 113.550, 113.560, 113.600, 113.620, 113.640, 113.650, 113.670,  
113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.810, 113.840,  
113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970,  
113.980, 113.990, 113.1000, 113.1010, 113.1030, 113.1040, 113.1060, 113.1070, 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, 113.1260, 113.1270, 113.1280, 113.1290,  
113.1390, 113.1400, 113.1410, 113.1420**

**STATUTORY AUTHORITY**

The amended and new sections are adopted under Texas Water Code, §5.103, concerning Rules, and §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the Texas Water Code; and under Texas Health and Safety Code, §82.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act. The new and amended sections are also adopted under Texas Health and Safety Code, §82.002, concerning Policy and Purpose, 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, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air;§382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air;§382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; and§382.051, concerning Permitting Authority of the Commission; Rules, which authorizes the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the Texas Clean Air Act.

The 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, 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 May 16, 2007 (72 FR 27437) 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). The 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). The 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). The 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 Federal 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 July 11, 2005 (70 FR 39662).

**§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 December 19, 2005 (70 FR 75057).

**§113.110. Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 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 December 21, 2006 (71 FR 76614).

**§113.120. Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 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 December 21, 2006 (71 FR 76603).

**§113.170. Coke Oven Batteries (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.180. Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 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 September 21, 2006 (71 FR 55280).

**§113.190. Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.200. Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 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 December 19, 2005 (70 FR 75320).

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

The Industrial Process Cooling Towers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Q, is incorporated by reference as amended through April 7, 2006 (71 FR 17738).

**§113.230. Gasoline Distribution Facilities (40 Code of Federal Regulations Part 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 63, Subpart R, is incorporated by reference as amended through April 6, 2006 (71 FR 17352).

**§113.240. Pulp and Paper Industry (40 Code of Federal Regulations Part 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 April 13, 2004 (69 FR 19734).

**§113.250. Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 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 May 3, 2007 (72 FR 25138).

**§113.260. Group I Polymers and Resins (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.280. Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

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

The Marine Vessel Loading Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Y, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.320. Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.330. Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.350. Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.380. Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

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

The Oil and Natural Gas Production Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HH, is incorporated by reference as amended through January 3, 2007 (72 FR 26).

**§113.400. Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 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 December 29, 2006 (71 FR 78369).

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

The Printing and Publishing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KK, is incorporated by reference as amended through May 24, 2006 (71 FR 29792).

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

The Primary Aluminum Reduction Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LL, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.440. Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.500. Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS).**

The Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SS, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.550. Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX).**

The Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XX, is incorporated by reference as amended through April 13, 2005 (70 FR 19266).

**§113.560. Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY).**

The Generic Maximum Achievable Control Technology Standards as specified in 40 Code of Federal Regulations Part 63, Subpart YY, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.600. Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

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

The Hazardous Waste Combustor Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEE, is incorporated by reference as amended through October 25, 2006 (71 FR 62388).

**§113.640. Pharmaceuticals Production (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.650. Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.670. Group IV Polymers and Resins (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.690. Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 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 December 20, 2006 (71 FR 76518).

**§113.700. Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.710. Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.720. Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.730. Polyether Polyols Production (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.740. Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ).**

The Primary Copper Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQ, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.750. Secondary Aluminum Production (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.770. Primary Lead Smelting (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.780. Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU).**

The Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units Maximum Achievable Control Technology standard as specified in 40 Code of Federal

Regulations Part 63, Subpart UUU, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.810. Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 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 April 20, 2006 (71 FR 20446).

**§113.840. Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA).**

The Municipal Solid Waste Landfills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAA, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.860. Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC).**

The Manufacturing of Nutritional Yeast Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCC, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.870. Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD).**

The Plywood and Composite Wood Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDD, is incorporated by reference as adopted July 30, 2004 (69 FR 45944) and amended February 16, 2006 (71 FR 8342), April 20, 2006 (71 FR 20446), and **October 29, 2007 (72 FR 61060).**

**§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 amended through July 28, 2006 (71 FR 42898).

**§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 amended through July 14, 2006 (71 FR 40316).

**§113.900. Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG).**

The Solvent Extraction for Vegetable Oil Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGG, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.910. Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH).**

The Wet-Formed Fiberglass Mat Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHH, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 24, 2007 (72 FR 20227).

**§113.930. Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ).**

The Paper and Other Web Coating Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJ, is incorporated by reference as amended through May 24, 2006 (71 FR 29792).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 December 22, 2006 (71 FR 76927).

**§113.970. Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN).**

The Surface Coating of Large Appliances Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNN, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§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 amended through May 24, 2006 (71 FR 29792).

**§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 24, 2007 (72 FR 20227).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§113.1030. Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT).**

The Leather Finishing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTT, is incorporated by reference as amended through February 7, 2005 (70 FR 6355).

**§113.1040. Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU).**

The Cellulose Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUUU, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§113.1070. Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX).**

The Rubber Tire Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXXX, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§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 April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

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

The Coke Ovens: Pushing, Quenching, and Battery Stacks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCC, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

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

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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through July 13, 2006 (71 FR 39579).

**§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 amended through November 29, 2006 (71 FR 69011).

**§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 amended through October 4, 2006 (71 FR 58499).

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

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 IIIII, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

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

The Brick and Structural Clay Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJJ, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

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

The Engine Test Cells/Standards Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart P P P P P, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

**§113.1260. Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart Q Q Q Q Q).**

The Friction Materials Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Q Q Q Q Q, is incorporated by reference as amended through April 20, 2006 (71 FR 20446).

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

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 amended through April 20, 2006 (71 FR 20446).

**§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 amended through April 20, 2006 (71 FR 20446).

**§113.1290. Primary Magnesium Refining (40 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 amended through April 20, 2006 (71 FR 20446).

**§113.1390. Polyvinyl Chloride and Copolymers Production Area Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD).**

The Polyvinyl Chloride and Copolymers Production Area Sources Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDDDD, is incorporated by reference as adopted January 23, 2007 (72 FR 2930).

**§113.1400. Primary Copper Smelting Area Sources (40 Code of Federal Regulations Part 63, Subpart EEEEE).**

The Primary Copper Smelting Area Sources Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEEE, is incorporated by reference as adopted January 23, 2007 (72 FR 2930).

**§113.1410. Secondary Copper Smelting Area Sources (40 Code of Federal Regulations Part 63, Subpart FFFFF).**

The Secondary Copper Smelting Area Sources Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFFF, is incorporated by reference as adopted January 23, 2007 (72 FR 2930).

**§113.1420. Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium (40 Code of Federal Regulations Part 63, Subpart GGGGG).**

The Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGGGG, is incorporated by reference as adopted January 23, 2007 (72 FR 2930).