

The Texas Commission on Environmental Quality (commission) proposes 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. The commission also proposes new §§113.870, 113.1130, 113.1390, 113.1400, 113.1410, and 113.1420.

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

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

The proposed amendments to Chapter 113 would 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 proposed new sections would incorporate by reference six 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 proposes to incorporate 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
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

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
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 Standards	February 10, 2003
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

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	Original Incorporation (Commission Adoption)
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 Textiles	May 29, 2003
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

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

The six recent federal MACT standards not currently included in Chapter 113 that commission is proposing to incorporate 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
DDDDD (§113.1130)	Industrial, Commercial, and Institutional Boilers and Process Heaters

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
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 proposes to amend §113.100 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart A, made by the EPA since 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 incorporate 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 incorporate 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 incorporate 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 incorporate 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.

*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 proposes to amend §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 proposes to amend §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 proposes to amend §113.110 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart F, made by the EPA since 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 proposes to amend §113.120 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart G, made by the EPA since 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 redetermine 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 proposes to amend §113.170 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart L, made by the EPA since 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 nonrecovery 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 proposes to amend §113.180 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart M, made by the EPA since 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 proposes to amend §113.190 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart N, made by the EPA since 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 proposes to amend §113.200 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart O, made by the EPA since 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 proposes to amend §113.220 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Q, made by the EPA since 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 to provide sources that are operated with chromium-based water treatment chemicals to be subject to the standard.

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

The commission proposes to amend §113.230 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart R, made by the EPA since 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 proposes to amend §113.240 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart S, made by the EPA since 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 proposes to amend §113.250 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart T, made by the EPA since 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 proposes to amend §113.260 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart U, made by the EPA since 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 proposes to amend §113.280 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart W, made by the EPA since 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 proposes to amend §113.300 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Y, made by the EPA since 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 proposes to amend §113.320 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart AA, made by the EPA since 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 proposes to amend §113.330 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart BB, made by the EPA since 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 proposes to amend §113.350 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart DD, made by the EPA since 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 proposes to amend §113.380 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GG, made by the EPA since 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 proposes to amend §113.390 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HH, made by the EPA since 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 proposes to amend §113.400 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart II, made by the EPA since 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 proposes to amend §113.420 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart KK, made by the EPA since 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 proposes to amend §113.430 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LL, made by the EPA since 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 Semichemical Pulp Mills (40 CFR 63, Subpart MM)*

The commission proposes to amend §113.440 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MM, made by the EPA since 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §113.600 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart CCC, made by the EPA since 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 proposes to amend §113.620 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart EEE, made by the EPA since 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, §112(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 proposes to amend §113.640 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart GGG, made by the EPA since 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 proposes to amend §113.650 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart HHH, made by the EPA since 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 proposes to amend §113.670 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart JJJ, made by the EPA since 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 proposes to amend §113.690 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart LLL, made by the EPA since 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 proposes to amend §113.700 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MMM, made by the EPA since 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 proposes to amend §113.710 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart NNN, made by the EPA since 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 proposes to amend §113.720 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart OOO, made by the EPA since 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 proposes to amend §113.730 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart PPP, made by the EPA since 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 proposes to amend §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 proposes to amend §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 clarify regulatory text, correct errors, and improve



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 §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 proposes to amend §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 proposes to amend §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 proposes to amend §113.810 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart XXX, made by the EPA since 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 proposes to amend §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 proposes to amend §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 proposes new §113.870 by incorporating by reference, without change, 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) and April 20, 2006 (71 FR 20446). 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.

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

The commission proposes to amend §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 proposes to amend §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 extend 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 clarify the applicability of MACT FFFF, provide additional compliance options, modify initial and continuous compliance requirements, and simplify 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 MMMM)*

The commission proposes to amend §113.960 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart MMMM, made by the EPA since this section was last amended. During this time frame, the EPA amended 40 CFR Part 63, Subpart MMMM, 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 NNNN)*

The commission proposes to amend §113.970 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart NNNN, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart NNNN, 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 clarify the frequency for categorizing leather product process types, modify the definition of specialty leather, add a definition for vacuum mulling, and add 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 proposes to amend §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 correct the date in the definition of a process change that was included in the final rule. The August 10,

2005, amendments revise 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 proposes to amend §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 revise compliance options for open molding, correct errors, and add 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 amend 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 113.1130--Industrial, Commercial and Institutional Boilers and Process Heaters (40 CFR 63, Subpart DDDDD)*

The commission proposes new §113.1130 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart DDDDD, adopted by the EPA on September 13, 2004 (69 FR 55218), as amended on December 28, 2005 (70 FR 76918), April 20, 2006 (71 FR 20446), and December 6, 2006 (71 FR 70651). This MACT standard regulates HAP emissions from industrial, commercial, and institutional boilers and process heaters. HAPs emitted from these facilities include: arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, nickel and various organic HAP.

The December 28, 2005, amendments clarified the process for demonstrating eligibility to comply with the health-based compliance alternatives contained in the rule. The April 20, 2006, amendments revised the general and compliance requirements as they relate to startup, shutdown, and malfunctions. The December 6, 2006, amendments improved and clarified the procedures for implementing the emissions averaging provision and for conducting compliance testing when boilers are vented to a

common stack. In addition, some definitions were clarified and amendments to the emission averaging provision were made.

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

The commission proposes to amend §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 clarify 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 clarify 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 extend 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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 proposes to amend §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 P P P P P)*

The commission proposes to amend §113.1250 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart P P P P P, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart P P P P P, 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 Q Q Q Q Q)*

The commission proposes to amend §113.1260 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart Q Q Q Q Q, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart Q Q Q Q Q, 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 R R R R R)*

The commission proposes to amend §113.1270 by incorporating by reference, without change, all amendments to 40 CFR Part 63, Subpart R R R R R, made by the EPA since this section was adopted. During this time frame, the EPA amended 40 CFR Part 63, Subpart R R R R R, 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 proposes to amend §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 proposes to amend §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 proposes 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 EEEEEEE)*

The commission proposes new §113.1400 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart EEEEEEE, 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 FFFFFFF)*

The commission proposes new §113.1410 by incorporating by reference, without change, the final promulgated rules in 40 CFR Part 63, Subpart FFFFFFF, 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 proposes 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.

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

Nina Chamness, Analyst, Strategic Planning and Assessment, determined that, for the first five-year period the proposed rules are in effect, no significant fiscal implications are anticipated for the agency or other units of state or local governments as a result of administration or enforcement of the proposed rules. The proposed rules would amend Chapter 113 of 30 Texas Administrative Code (TAC) to incorporate recent amendments made by the Environmental Protection Agency (EPA) to the maximum achievable control technology (MACT) standards in 40 Code of Federal Regulations (40 CFR) Part 63.

The EPA amended 82 existing MACT standards and adopted six new MACT standards. The new and amended federal rules need to be incorporated by reference into Chapter 113 in 30 TAC in order to: avoid inconsistency between the federal and state MACT standards; allow the agency to enforce MACT standards prior to receiving formal delegation authority for the new standards; maintain existing delegation; and facilitate delegation of authority for six new MACT standards from the EPA. The six new MACT standards will affect the following industries: sawmills with lumber kilns and hardwood/softwood plywood and veneer plants; any industry using a boiler or process heater; area source facilities that polymerize vinyl chloride monomer to produce vinyl chloride and/or copolymer products; area source



facilities that produce copper from copper sulfide ore concentrates using pyrometallurgical techniques; area source facilities that process copper scrap in a blast furnace and converter or use another pyrometallurgical purification process to produce anode copper from copper scrap; area source facilities that produce zinc, zinc oxide, cadmium, or cadmium oxide from zinc sulfide ore concentrates using pyrometallurgical techniques; and area source facilities that produce beryllium metal, alloy, or oxide from beryllium ore. Entities and sources affected by the MACT amendments are already complying with the requirements and no significant fiscal implications are anticipated because of their incorporation into state rules.

#### PUBLIC BENEFITS AND COSTS

Ms. Chamness also determined that for each year of the first five years the proposed new rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be increased consistency between federal and state air quality regulations. Entities and sources affected by the MACT amendments are already complying with federal requirements and no significant fiscal implications are anticipated because of their incorporation into state rules.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are expected for small or micro-businesses as a result of the proposed rules. A small business is defined as having fewer than 100 employees or less than \$1 million in annual gross receipts. A micro-business is defined as having no more than 20 employees. Small businesses are already being required to comply with MACT standards and should not experience any fiscal

implications due to their incorporation into state rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

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

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the 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 proposed 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 this preamble, the proposed 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 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 proposed 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 proposed rules do not modify the federal NESHAP, but are incorporations by reference, which do not change the federal requirements.

For these reasons, the proposed 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 proposed 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, proposed to be 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 proposed 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 proposed rulemaking action is not subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b). The commission invites public comment regarding the draft regulatory impact analysis determination during the public comment period.

#### 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 the proposed rulemaking action under the Texas Government Code, §2007.043. The primary purpose of this proposed 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 proposed 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 proposed 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 proposal 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 proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the proposal is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 et seq., and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the proposed rules in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §505.22, and found the proposed rulemaking is consistent with the applicable CMP goals and policies.



CMP goals applicable to the proposed 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 proposed rules is Emission of Air Pollutants. These rules are consistent because they only incorporate by reference the federal MACT standards that pertain to certain industries and processes. The MACT standards provide the highest level of control of air emissions that is achievable 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 proposed 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.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the SUBMITTAL OF COMMENTS section of this preamble.

#### 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. If the proposed rules are adopted, 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.

#### ANNOUNCEMENT OF PUBLIC HEARING

A public hearing on this proposal will be held in Austin on September 18, 2007, at 10:00 a.m. at the Texas Commission on Environmental Quality Complex located at 12100 Park 35 Circle in Building B, Room 201A. The hearing will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Kristin Smith, Office of Legal Services, at (512) 239-0177. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Written comments may be submitted to Kristin Smith, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at <http://www5.tceq.state.tx.us/rules/ecomments/>. File size restrictions may apply to comments submitted via the eComments system. All comments should reference Rule Project Number 2007-012-113-PR. The comment period closes September 24, 2007. Copies of the proposed rulemaking can be obtained from the commission's Web site at [http://www.tceq.state.tx.us/nav/rules/propose\\_adopt.html](http://www.tceq.state.tx.us/nav/rules/propose_adopt.html). For further information, please contact

Beryl Thatcher, Air Permits Division, (512) 239-5374.

**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, 113.1130, 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 proposed 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, §382.017, 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 proposed under Texas Health and Safety Code, §382.002, 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 proposed new and amended sections implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.051.

**§113.100. General Provisions (40 Code of Federal Regulations Part 63, 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) [June 15, 2004 (69 FR 33506)] 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) [May 30, 2003 (68 FR 32601)].



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

The provisions of 40 Code of Federal Regulations Part 63, Subpart C, concerning the List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, are incorporated by reference as amended through December 19, 2005 (70 FR 75057) [November 29, 2004 (69 FR 69325)].

**§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) [June 23, 2003 (68 FR 37344)].

**§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) [June 23, 2003 (68 FR 37344)].

**§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) [June 23, 2003 (68 FR 37345)].

**§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) [June 23, 2003 (68 FR 37347)].

**§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) [July 19, 2004 (69 FR 42894)].

**§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) [June 23, 2003 (68 FR 37348)].

**§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) [June 23, 2003 (68 FR 37348)].

**§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) [December 19, 2003 (68 FR 70965)].

**§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) [June 23, 2003 (68 FR 37348)].

**§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) [June 23, 2003 (68 FR 37349)].

**§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) [June 23, 2003 (68 FR 37349)].

**§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) [June 23, 2003 (68 FR 37350)].

**§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) [June 23, 2003 (68 FR 37350)].

**§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) [June 23, 2003 (68 FR 37351)].

**§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) [June 23, 2003 (68 FR 37351)].

**§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) [June 23, 2003 (68 FR 37351)].

**§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) [June 23, 2003 (68 FR 37352)].

**§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) [June 23, 2003 (68 FR 37353)].

**§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) [June 23, 2003 (68 FR 37353)].

**§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) [June 23, 2003 (68 FR 37354)].

**§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) [June 23, 2003 (68 FR 37354)].

**§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) [May 6, 2004 (69 FR 25323)].

**§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 [CFR] 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) [July 12, 2002 (67 FR 46258)].



**§113.550. Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40**

**Code of Federal Regulations Part [CFR] 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) [adopted July 12, 2002 (67 FR 46258)].

**§113.560. Generic Maximum Achievable Control Technology Standards (40 Code of Federal**

**Regulations Part [CFR] 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) [February 10, 2003 (68 FR 6635)].

**§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) [June 23, 2003 (68 FR 37356)].

**§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) [June 23, 2003 (68 FR 37356)].

**§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) [June 23, 2003 (68 FR 37356)].

**§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) [June 23, 2003 (68 FR 37357)].

**§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) [June 2, 2004 (69 FR 31008)].

**§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) [June 23, 2003 (68 FR 37359)].

**§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) [June 23, 2003 (68 FR 37358)].

**§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) [June 23, 2003 (68 FR 37358)].

**§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) [June 23, 2003 (68 FR 37359)].

**§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) [June 23, 2003 (68 FR 37359) with corrections published on July 1, 2004 (69 FR 39862)].

**§113.740. Primary Copper Smelting (40 Code of Federal Regulations Part [CFR] 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) [adopted June 12, 2002 (67 FR 40478)].

**§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) [June 23, 2003 (68 FR 37359)].

**§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) [June 23, 2003 (68 FR 37360)].

**§113.780. Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part [CFR] 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) [adopted April 11, 2002 (67 FR 17762)].

**§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) [June 23, 2003 (68 FR 37360)].

**§113.840. Municipal Solid Waste Landfills (40 Code of Federal Regulations Part [CFR] 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) [adopted January 16, 2003 (68 FR 2227)].

**§113.860. Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part [CFR] 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) [adopted May 21, 2001 (66 FR 27876)].

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

**§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) [adopted February 3, 2004 (69 FR 5063)].

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

The Miscellaneous Organic Chemical Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFF, is incorporated by reference as amended through July 14, 2006 (71 FR 40316) [adopted November 10, 2003 (68 FR 63888)].

**§113.900. Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part [CFR] 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) [April 5, 2002 (67 FR 16317)].

**§113.910. Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part [CFR] 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) [adopted April 11, 2002 (67 FR 17824)].



**§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) [adopted April 26, 2004 (69 FR 22623)].

**§113.930. Paper and Other Web Coating (40 Code of Federal Regulations Part [CFR] 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) [adopted December 4, 2002 (67 FR 72330)].

**§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) [adopted November 13, 2003 (68 FR 64446)].

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

The Surface Coating of Miscellaneous Metal Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMM, is incorporated by reference as amended through December 22, 2006 (71 FR 76927) [April 26, 2004 (69 FR 22660)].

**§113.970. Surface Coating of Large Appliances (40 Code of Federal Regulations Part [CFR] 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) [adopted July 23, 2002 (67 FR 48254)].

**§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) [adopted May 29, 2003 (68 FR 32189)].

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

The Surface Coating of Plastic Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPPP, is incorporated by reference as amended through April 24, 2007 (72 FR 20227) [April 26, 2004 (69 FR 22660)].

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

The Surface Coating of Wood Building Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQ, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted May 28, 2003 (68 FR 31760)].

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

The Surface Coating of Metal Furniture Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRR, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted May 23, 2003 (68 FR 28619)].

**§113.1030. Leather Finishing Operations (40 Code of Federal Regulations Part [CFR] 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) [adopted February 27, 2002 (67 FR 9156)].

**§113.1040. Cellulose Products Manufacturing (40 Code of Federal Regulations Part [CFR] 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) [adopted June 11, 2002 (67 FR 40044)].

**§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) [adopted April 21, 2003 (68 FR 19402)].

**§113.1070. Rubber Tire Manufacturing (40 Code of Federal Regulations Part [CFR] 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) [March 12, 2003 (68 FR 11745)].

**§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) [August 18, 2004 (69 FR 51188)].

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

The Stationary Reciprocating Internal Combustion Engines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart ZZZZ, is

incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted June 15, 2004 (69 FR 33506)].

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

The Lime Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAA, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted January 5, 2004 (69 FR 416)].

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

The Semiconductor Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBBB, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted May 22, 2003 (68 FR 27925)].

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

The Coke Ovens: Pushing, Quenching, and Battery Stacks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is

incorporated by reference as amended through April 20, 2006 (71 FR 20446) [April 22, 2003 (68 FR 19885)].

**§113.1130. Industrial, Commercial, and Institutional Boilers and Process Heaters (40 Code of Federal Regulations Part 63, Subpart DDDDD).**

The Industrial, Commercial, and Institutional Boilers and Process Heaters Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDDD, is incorporated by reference as adopted September 13, 2004 (69 FR 55218) and amended December 28, 2005 (70 FR 76918), April 20, 2006 (71 FR 20446), and December 6, 2006 (71 FR 70651).

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

The Iron and Steel Foundries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEEE, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted April 22, 2004 (69 FR 21923)].

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

The Integrated Iron and Steel Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFFF, is incorporated by reference as amended through July 13, 2006 (71 FR 39579) [adopted May 20, 2003 (68 FR 27663)].

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

The Site Remediation Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGGG, is incorporated by reference as amended through November 29, 2006 (71 FR 69011) [adopted October 8, 2003 (68 FR 58190)].

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

The Miscellaneous Coating Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHH, is incorporated by reference as amended through October 4, 2006 (71 FR 58499) [adopted December 11, 2003 (68 FR 69185) with corrections published on December 29, 2003 (68 FR 75033)].

**§113.1180. Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart 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) [adopted December 19, 2003 (68 FR 70928)].

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

The Brick and Structural Clay Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJ, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted May 16, 2003 (68 FR 26722) with corrections published on May 28, 2003 (68 FR 31744)].

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

The Clay Ceramics Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKKK, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted May 16, 2003 (68 FR 26738) with corrections published on May 28, 2003 (68 FR 31744)].

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

The Asphalt Processing and Asphalt Roofing Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLL, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [May 7, 2003 (68 FR 24577)].

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

The Flexible Polyurethane Foam Fabrication Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMM, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted April 14, 2003 (68 FR 18070)].

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

The Hydrochloric Acid Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNNN, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted April 17, 2003 (68 FR 19090)].

**§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) [adopted May 27, 2003 (68 FR 28785) with corrections published on August 28, 2003 (68 FR 51830)].

**§113.1260. Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part [CFR] 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) [adopted October 18, 2002 (67 FR 64498)].

**§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 R R R R R, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted October 30, 2003 (68 FR 61888)].

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

The Refractory Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSSS, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted April 16, 2003 (68 FR 18747)].

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

The Primary Magnesium Refining Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTT, is incorporated by reference as amended through April 20, 2006 (71 FR 20446) [adopted October 10, 2003 (68 FR 58620)].

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

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 GGGGG, is incorporated by reference as adopted January 23, 2007 (72 FR 2930).