

The Texas Commission on Environmental Quality (commission, agency, or TCEQ) proposes the repeal of §§106.101, 106.103, 106.121, 106.123, 106.228, 106.282, 106.291, 106.312, and 106.413.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The 76th Legislature passed Senate Bill (SB) 766 in 1999. In general, SB 766 recategorized the New Source Review authorizations under the Texas Clean Air Act (TCAA). Prior to the revisions by SB 766, the TCAA authorized the commission to issue permits for the construction or modification of facilities that will emit air contaminants; standard permits adopted by rule; and exemptions from permitting, also adopted by rule. SB 766 modified this structure by authorizing the commission to issue standard permits using a process that does not require each standard permit to be in a rule. SB 766 provided a new name, permits by rule (PBRs), for authorization of certain types of facilities that would not make a significant contribution of air contaminants into the atmosphere. Finally, the commission was authorized to develop criteria for facilities that emit a de minimis amount of air contaminants that do not need preconstruction authorization.

30 TAC §116.119, De Minimis Facilities or Sources, was subsequently adopted by the commission and became effective in September 2000. Section 116.119 establishes four categories of facilities that do not require authorization. The first category is defined as those facilities or sources included on the list entitled, "De Minimis Facilities or Sources."

As stated in §116.119(c), the executive director may amend the list of De Minimis Facilities or Sources as necessary, taking into consideration the following: typical operating scenarios; typical design and location; the types and rates of air contaminants emitted; engineering judgment and experience; and

toxicological or health impacts. A proposal to amend the list of De Minimis Facilities or Sources was published in the *Texas Register* on December 21, 2007 (32 TexReg 9839). The proposal added facilities authorized by certain PBRs that have no control, recordkeeping, or registration requirements. In May 2008, the list of De Minimis Facilities or Sources was amended to include nine types of facilities permitted by rule. This action would eliminate duplication and provide a clear regulatory structure by repealing the nine PBRs listed under §§106.101, 106.103, 106.121, 106.123, 106.228, 106.282, 106.291, 106.312, and 106.413, since they are currently listed as De Minimis Facilities or Sources under §116.119.

SECTION BY SECTION DISCUSSION

Subchapter C: Domestic and Comfort Heating and Cooling, §106.101 and §106.103

The commission proposes to repeal §106.101, Domestic Use Facilities and §106.103, Air Conditioning and Ventilation Systems. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.101 and §106.103 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under one of these PBRs may continue to be authorized under the PBR until the facility is modified, or may be considered de minimis. Any new facility or modification will be considered de minimis.

Subchapter D: Analysis and Testing, §106.121 and §106.123

The commission proposes to repeal §106.121, Hydraulic and Hydrostatic Testing Equipment and §106.123, Vacuum-producing Devices for Laboratory Use. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.121 and §106.123 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under one of these PBRs may continue to be authorized under the PBR until the facility is modified, or may be

considered de minimis. Any new facility or modification will be considered de minimis.

Subchapter I: Manufacturing, §106.228

The commission proposes to repeal §106.228, Platen Presses for Laminating. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.228 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under this PBR may continue to be authorized under the PBR until the facility is modified, or may be considered de minimis. Any new facility or modification will be considered de minimis.

Subchapter L: Feed, Fiber, and Fertilizer, §§106.282 and 106.291

The commission proposes to repeal §106.282, Feed Grinding Facilities and §106.291, Cotton Gin Stands. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.282 and §106.291 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under one of these PBRs may continue to be authorized under the PBR until the facility is modified, or may be considered de minimis. Any new facility or modification will be considered de minimis.

Subchapter M: Metallurgy, §106.312

The commission proposes to repeal §106.312, Wax Melting and Application. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.312 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under this PBR may continue to be authorized under the PBR until the facility is modified, or may be considered de minimis. Any new facility or modification will be considered de minimis.

Subchapter R: Service Industries, §106.413

The commission proposes to repeal §106.413, Bond Lining to Brake Shoes. These sources were listed as De Minimis Facilities or Sources under §116.119 in May 2008. Therefore, repealing §106.413 would eliminate duplication and provide a clear regulatory structure. A facility currently authorized under this PBR may continue to be authorized under the PBR until the facility is modified, or may be considered de minimis. Any new facility or modification will be considered de minimis.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Nina Chamness, Analyst, Strategic Planning and Assessment, has determined that, for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for the agency or other units of state or local governments as a result of their administration or enforcement. The proposed rules are administrative in nature and are undertaken in an effort to ensure consistency between Chapters 106 and 116 regarding permitting issues for facilities and sources of air contaminants that emit minimal amounts of air contaminants.

In May 2008, the list of De Minimis Facilities or Sources was amended to add nine types of facilities. Previously, PBRs were issued for these facilities. These particular PBRs were issued for facilities with minimal emissions of air contaminants and have no control, recordkeeping, or registration requirements. No fees were charged for these PBRs unless a regulated entity voluntarily requested registration on or after June 30, 2004. Only six of the 73 known voluntary registrations of these PBRs occurred on or after this date and paid a fee.

This proposed rulemaking would repeal the PBR requirements for domestic use facilities, air conditioning and ventilation systems, hydraulic and hydrostatic testing equipment, vacuum-producing devices for laboratory use, platen presses for laminating, feed grinding facilities, cotton gin stands, wax melting and application equipment, and equipment for bonding lining to brake shoes to ensure that the regulated community understands that these sources would now be classified as de minimis facilities and no longer require PBR authorization under Chapter 106. Since state agencies and local governments incurred no costs associated with the PBRs issued for these facilities, the proposed rulemaking is not expected to have a fiscal impact on either the agency or other governmental entities.

PUBLIC BENEFITS AND COSTS

Nina Chamness also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be concise, clear, and uniform regulations for facilities that were added to the list of De Minimis Facilities or Sources in May 2008.

The proposed rulemaking will repeal sections of Chapter 106 for PBRs for certain types of facilities and sources that had minimal emissions of air contaminants. Since these particular PBRs had no control, recordkeeping, or registration requirements, fees paid by the regulated community and associated recordkeeping or control costs were minimal. The proposed repeals ensure clarity and are administrative in nature. Thus, businesses are not expected to experience any fiscal impacts as a result of the rulemaking.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are anticipated for small or micro-businesses that own or operate facilities added to the list of De Minimis Facilities or Sources in May 2008 as a result of the proposed rules. In the past, most small or micro-businesses owning or operating these types of facilities incurred no costs to obtain PBRs required by Chapter 106, and the repeal of the sections of Chapter 106 governing the PBRs for these facilities is not expected to have a fiscal impact on small or micro-businesses.

SMALL BUSINESS REGULATORY FLEXIBILITY ANALYSIS

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis is not required because the proposed rules do not adversely affect a small or micro-business in a material way for the first five years that the proposed rules are in effect.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rules do not meet the definition of a "major environmental rule." Under Texas Government Code, §2001.0225, 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 proposed rules are intended to more effectively focus commission resources by eliminating duplication and providing a clear regulatory structure. This rulemaking will not negatively impact the environment or increase risks to human health from environmental exposure. However, the proposed rules generally tend to improve regulatory flexibility and reduce costs to regulated facilities and are therefore unlikely to adversely affect in a material way the economy, a sector of the economy, productivity, competition, or jobs. Because this rulemaking 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, the rulemaking does not fit the Texas Government Code, §2001.0225, definition of a "major environmental rule."

Under Texas Government Code, §2001.0225, only a major environmental rule requires a regulatory impact analysis. Because this proposal does not constitute a major environmental rule, a regulatory impact analysis is not required. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the SUBMITTAL OF COMMENTS section of this preamble.

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 Section 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 governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The commission has prepared a takings impact assessment for these rules under Texas Government Code, §2007.043. The following is a summary of that assessment. The commission has determined that the promulgation and enforcement of the 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 proposed rules 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. The proposed rules are administrative and do not impose any new regulatory requirements. The proposed repeals of §§106.101, 106.103, 106.121, 106.123, 106.228, 106.282, 106.291, 106.312, and 106.413 are intended to eliminate duplication and provide a clear regulatory structure. This change does not impact existing authorization under these exemptions. The proposed rules are reasonably taken to fulfill requirements of state law. Therefore, the proposed rules will not cause a taking under Texas Government Code, Chapter 2007.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission determined that this rulemaking action relates to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 *et seq.*), and commission rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required

by §281.45(a)(3) and 31 TAC §505.11(b)(2), relating to Actions and Rules Subject to the Coastal Management Program, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission reviewed this action for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council and determined that the action is consistent with the applicable CMP goals and policies.

The CMP goal applicable to this proposed rulemaking action is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(l)). The proposed repeals will indirectly benefit the environment because repealing the PBRs is expected to eliminate duplication and provide a clear regulatory structure. The CMP policy applicable to this rulemaking action is the policy that commission rules comply with federal regulations in 40 Code of Federal Regulations, to protect and enhance air quality in the coastal areas (31 TAC §501.32). Therefore, in accordance with 31 TAC §505.22(e), the commission affirms that this rulemaking action is consistent with CMP goals and policies. Written comments on the consistency of the proposed 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

Most facilities affected by this rule change are minor sources and not subject to the Federal Operating Permits Program. However, if a facility was authorized by §§106.101, 106.103, 106.121, 106.123, 106.228, 106.282, 106.291, 106.312, or 106.413 and is located at a site with a federal operating permit, the permit holder may need to conduct an evaluation and determine if a revision to a federal operating permit is needed to update the applicable requirements.

ANNOUNCEMENT OF HEARING

The commission will hold a public hearing on this proposal in Austin on April 27, 2009 at 10:00 a.m. in Building C, Room 131E, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members 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 Jessica Rawlings, 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 Jessica Rawlings, 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 being submitted via the eComments system. All comments should reference Rule Project Number 2008-029-106-PR. The comment period closes April 30, 2009. 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. For further information, please contact Johnny Bowers, Air Permits Division, at (512) 239-6770.

Subchapter C: Domestic and Comfort Heating and Cooling

§106.101, §106.103

STATUTORY AUTHORITY

The repeals 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 purposes of the Texas Clean Air Act. The repeals are also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeals implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

§106.101. Domestic Use Facilities.

[Any facility constructed and operated at a domestic residence for domestic use is permitted by rule.]

§106.103. Air Conditioning and Ventilation Systems.

[Comfort air conditioning systems or comfort ventilating systems which are not used to remove air contaminants generated by or released from specific units of equipment are permitted by rule.]

Subchapter D: Analysis and Testing

§106.121, §106.123

STATUTORY AUTHORITY

The repeals 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 purposes of the Texas Clean Air Act. The repeals are also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeals implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

[\$106.121. Hydraulic and Hydrostatic Testing Equipment.]

[Equipment used for hydraulic or hydrostatic testing is permitted by rule.]

[\$106.123. Vacuum-producing Devices for Laboratory Use.]

[Vacuum-producing devices used in laboratory operations are permitted by rule.]

Subchapter I: Manufacturing

§106.228

STATUTORY AUTHORITY

The repeal is 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 purposes of the Texas Clean Air Act. The repeal is also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeal implements Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

[\$106.228. Platen Presses for Laminating.]

[Platen presses used for laminating are permitted by rule.]

Subchapter L: Feed, Fiber, and Fertilizer

Division 1: Feed

§106.282

STATUTORY AUTHORITY

The repeals 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 purposes of the Texas Clean Air Act. The repeals are also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeals implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

[\$106.282. Feed Grinding Facilities.]

[Any feed grinding operation which is used only for noncommercial purposes is permitted by rule.]

Subchapter L: Feed, Fiber, and Fertilizer

Division 2: Fiber

§106.291

STATUTORY AUTHORITY

The repeals 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 purposes of the Texas Clean Air Act. The repeals are also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeals implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

§106.291. Cotton Gin Stands.

[Replacement or addition of cotton gin stands where no other equipment change or additions are involved are permitted by rule.]

Subchapter M: Metallurgy

§106.312

STATUTORY AUTHORITY

The repeal is 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 purposes of the Texas Clean Air Act. The repeal is also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeal implements Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

[\$106.312. Wax Melting and Application.]

[Equipment used exclusively for the melting or application of wax is permitted by rule.]

Subchapter R: Service Industries

§106.413

STATUTORY AUTHORITY

The repeal is 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 purposes of the Texas Clean Air Act. The repeal is also proposed under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission 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 State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to issue a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere; §382.05196, concerning Permits by Rule, which authorizes the commission to adopt permits by rule for certain types of facilities; and §382.057, concerning Exemption, which authorizes exemptions from permitting.

The proposed repeal implements Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.017, 382.051, 382.05196, and 382.057.

[\$106.413. Bond Lining to Brake Shoes.]

[Equipment used exclusively for bonding lining to brake shoes is permitted by rule.]