

The commission adopts new §122.135, concerning grandfather requirements, without changes to the proposed text as published in the July 23, 1996, issue of the Texas Register (21 TexReg 6872) and will not be republished.

The new section provides owners or operators with sites subject to this chapter an exemption from the state-only requirement regarding the submission of grandfather emission rates. The exemption will simplify the application process that is required for an operating permit under this chapter, and will reduce the financial burden on both the owners and operators and the agency in implementing the operating permits program.

The commission has prepared a Takings Impact Assessment for this rule proposal pursuant to Texas Government Code, §2007.043. The purpose of this rulemaking is to provide owners or operators with an exemption from having to submit grandfather emission rates in their federal operating permit application. This adopted rule will substantially advance this specific purpose, because it will codify the exemption which may be used by the owners or operators who are required to submit an application for a federal operating permit. The promulgation and enforcement of this rule will not burden private real property because this rulemaking adoption provides an exemption from an existing requirement.

A public hearing was held on August 19, 1996, however, no oral testimony was offered at that time; no written comments were received on the proposed rule by the close of comment period.

The new section is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA.

SUBCHAPTER B : PERMIT REQUIREMENTS

PERMIT APPLICATION

§122.135

§122.135. Grandfather Requirements.

The portions of this chapter, specifically §122.132 of this title (relating to Application and Required Information), which address the requirements dealing with the submission of actual or presumptive grandfather emission rates are not applicable to the owners or operators of sites subject to the federal operating permits program. Sites subject to the federal operating permits program are identified in §122.130 of this title (relating to Responsibility to Apply).

This agency hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 9, 1996.