

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §§113.100, 113.110, 113.120, 113.130, 113.180, 113.190, 113.200, 113.240, 113.250, 113.260, 113.290, 113.350, 113.360, 113.460, 113.470, 113. 480, 113.490, 113.530, 113.620 and 113.670; and new §§113.320, 113.330, 113.390, 113.500, 113.510, 113.520, 113.540, 113.560, 113.600, 113.610, 113.650, 113.690, 113.700, 113.710, 113.720, 113.730, 113.770, 113.790 and 113.810, concerning National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. Additionally, the commission is adopting a new title for 30 Texas Administrative Code (TAC) Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants and deleting the old title, Control of Air Pollution From Toxic Materials, to more accurately reflect the contents of the chapter. All of the new and amended sections are adopted without changes to the proposed text as published in the February 25, 2000 issue of the *Texas Register* (25 TexReg 1537) and will not be republished.

The new sections concern requirements that are contained in Title 40 Code of Federal Regulations (CFR) Part 63. The United States Environmental Protection Agency (EPA) is developing these national standards to regulate emissions of hazardous air pollutants under the Federal Clean Air Act (FCAA) Amendments of 1990, §112 (42 United States Code (USC), §7412). These NESHAPs for source categories are technology-based standards commonly referred to as Maximum Achievable Control Technology (MACT) standards.

The amendments incorporate changes that EPA made to MACT standards by updating the federal promulgation dates cited in the commission rules that were previously adopted by reference. Sections

113.100, 113.110, 113.120, 113.130, 113.250, 113.260, and 113. 290 were adopted by the commission on June 25, 1997. Sections 113.180, 113.190, 113.200 and 113.340 were adopted by the commission on October 15, 1997. Sections 113.260, 113.350, and 113.670 were adopted by the commission on October 7, 1998. Sections 113.460, 113.470, 113.480, 113.490, 113.530 and 113.620 were adopted by the commission on August 8, 1999.

Sections 113.110, 113.120, and 113.130 are part of the Hazardous Organic Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry or HON which is a control measure in the ozone nonattainment areas in the state implementation plan (SIP). Therefore, these sections will be submitted as a revision to the SIP.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The commission adopts by reference, without changes, 19 of the federal MACT standards. Under federal law, the affected industries will be required to implement these MACT standards regardless of whether the commission or EPA is the agency responsible for implementation of the standards. With delegation, the commission will be responsible for administration and enforcement of the MACT requirements.

These 19 federal rules, each of which is under its own division of the same name, are:

Phosphoric Acid Manufacturing Plants, 40 CFR 63, Subpart AA;

Phosphate Fertilizers Production Plants, 40 CFR 63, Subpart BB;

Oil and Natural Gas Production Facilities, 40 CFR 63, Subpart HH;

Closed Vent Systems, Control Devices, Recovery Devices, and Routing to Fuel Gas System or Process, 40 CFR 63, Subpart SS;

Equipment Leaks – Control Level 1, 40 CFR 63, Subpart TT;

Equipment Leaks – Control Level 2, 40 CFR 63, Subpart UU;

Storage Vessels – (Tanks) Control Level 2, 40 CFR 63, Subpart WW;

Generic MACT+, 40 CFR 63, Subpart YY;

Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants, 40 CFR 63, Subpart CCC;

Mineral Wool Production, 40 CFR 63, Subpart DDD;

Natural Gas Transmission and Storage Facilities, 40 CFR 63, Subpart HHH;

Portland Cement Manufacturing, 40 CFR 63, Subpart LLL;

Pesticide Active Ingredient Production, 40 CFR 63, Subpart MMM;

Wool Fiberglass Manufacturing, 40 CFR 63, Subpart NNN;

Manufacture of Amino/Phenolic Resins, 40 CFR 63, Subpart OOO;

Polyether Polyols Production, 40 CFR 63, Subpart PPP;

Primary Lead Smelting, 40 CFR 63, Subpart TTT;

Publically Owned Treatment Works, 40 CFR 63, Subpart VVV; and

Ferrous Alloys Production: Ferromanganese and Silicomanganese, 40 CFR 63, Subpart XXX.

The existing divisions in 30 TAC Chapter 113, Subchapter C were renumbered to incorporate these new MACT standards. Division 15 became Division 17. Division 16 became Division 18. Division

17 became Division 19. Division 18 became Division 20. Division 19 became Division 22. Division 20 became Division 23. Division 21 became Division 24. Division 22 became Division 25. Division 23 became Division 26. Division 24 became Division 27. Division 25 became Division 28. Division 26 became Division 29. Division 27 became Division 33. Division 28 became Division 38. Division 29 became Division 39. Division 30 became Division 41. Division 31 became Division 42.

The commission incorporates by reference the latest EPA amendments to 20 of the federal MACT standards Texas has already adopted. The 20 standards are:

General Provisions, 40 CFR 63, Subpart A;

Synthetic Organic Chemical Manufacturing Industry, 40 CFR 63, Subpart F;

Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 CFR 63, Subpart G;

Organic Hazardous Air Pollutants for Equipment Leaks, 40 CFR 63, Subpart H;

Perchloroethylene Dry Cleaning Facilities, 40 CFR 63, Subpart M;

Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 CFR 63, Subpart N;

Ethylene Oxide Commercial Sterilization and Fumigation Operations, 40 CFR 63, Subpart O;

Pulp and Paper Production, 40 CFR 63, Subpart S;

Halogenated Solvent Cleaning, 40 CFR 63, Subpart T;

Group I Polymers and Resins, 40 CFR 63, Subpart U;

Secondary Lead Smelting, 40 CFR 63, Subpart X;

Off-site Waste Recovery, 40 CFR 63, Subpart DD;

Magnetic Tape Manufacturing Operations, 40 CFR 63, Subpart EE;

Tanks – Level 1, 40 CFR 63, Subpart OO;

Containers, 40 CFR 63, Subpart PP;

Surface Impoundments, 40 CFR 63, Subpart QQ;

Individual Drain Systems, 40 CFR 63, Subpart RR;

Oil Water Separators and Organic-Water Separators, 40 CFR 63, Subpart VV;

Hazardous Waste Combustors, 40 CFR 63, Subpart EEE; and,

Group IV Polymers and Resins, 40 CFR 63, Subpart JJJ.

As other MACT standards continue to be promulgated, they will be reviewed for compatibility with current state regulations and policies. The commission will then consider incorporating them into Chapter 113 through formal rulemaking procedures. The commission will seek formal delegation from EPA under 40 CFR 63, Subpart E, which implements 42 USC, §7412(1).

SECTION BY SECTION DISCUSSION

The commission adopts the following new title for 30 TAC 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants and deletes the old title, Control of Air Pollution From Toxic Materials, to more accurately reflect the contents of the chapter.

In 40 CFR 63 Subpart A, General Provision, EPA amended §63.14, Incorporations by Reference, by adding paragraph (f) to include information about NCASI Method DI/MEOH-94.02, Methanol in Process Liquids GC/FID (Gas Chromography/Flame Ionization Detection), August 1998, Methods

Manual, NCASI, Research Triangle Park, NC, IBR approved for §63.457(c)(3)(ii) of 40 CFR 63, Subpart S. This amendment was effective April 12, 1999.

On April 12, 1999, EPA issued amendments for parts of the HON that EPA originally published on January 17, 1997. The HON consists of 40 CFR 63, Subparts F, G, H, and I. However, there are no revisions to Subpart I in this set of amendments. The amendments for the remaining subparts were effective April 26, 1999 and are outlined below in alphabetical order.

In 40 CFR 63 Subpart F, EPA amended §63.100, Applicability and Designation of Source, by making cross-reference and grammatical corrections to paragraphs (g), (h), and (i).

In 40 CFR 63 Subpart G, EPA amended the following provisions: process vent provisions, transfer operation provisions, process wastewater provisions, leak inspection provisions, and emission averaging provisions. Additionally, EPA amended §63.152, General Reporting and Continuous Records, by making clarifying and cross-referencing edits, as well as amending the appendix of Subpart G by revising Tables 4 and 7 by replacing the term “mass flow” with the term “mass or volumetric flow.”

In 40 CFR 63, Subpart H, EPA amended §63.160, Applicability and Designation of Source, by changing the word “system” to the term “closed vent systems” in paragraph (a). EPA also amended §§63.163, 63.164, and 63.173 by making cross-reference and grammatical corrections.

On December 14, 1999, EPA issued a final amendment for 40 CFR 63, Subpart M, to allow EPA-approved state operating permit programs the option to defer Title V operating permit requirements until December 9, 2004 for these area sources. For area sources covered by EPA-administered Part 71 permitting program, EPA deferred the permitting requirements until December 9, 2004.

On December 14, 1999, EPA issued a final amendment for 40 CFR 63, Subpart N, to allow EPA-approved state operating permit programs the option to defer Title V operating permit requirements until December 9, 2004 for these area sources. For area sources covered by EPA-administered Part 71 permitting program, EPA deferred the permitting requirements until December 9, 2004.

On December 3, 1999, EPA published an interim final rule for 40 CFR 63, Subpart O, to suspend emission limitations under the NESHAP for chamber exhaust and aeration room vents. The requirements for chamber exhaust emissions are suspended until December 6, 2001 and the requirements for aeration room vents are suspended until December 6, 2000. On December 14, 1999, EPA issued a final amendment to allow EPA-approved state operating permit programs the option to defer 40 CFR 70 operating permit requirements until December 9, 2004 for these area sources. For area sources covered by EPA-administered 40 CFR 71 permitting program, EPA deferred the permitting requirements until December 9, 2004.

On April 12, 1999, EPA published a final rule that amended several subsections of 40 CFR 63, Subpart S. EPA amended the definition of "Process wastewater treatment system" in §63.441, Definitions; as well as amending standards in §63.443, Standards for the Pulping System at Kraft,

Soda, and Semi-Chemical Processes; §63.445, Standards for the Bleaching System; §63.446 Standards for Kraft Pulping Process Condensates; and §63.450, Standards for Enclosures and Closed-Vent Systems. EPA amended §63.447, Clean Condensate Alternative, by making corrections to the text in paragraph (e) and (g) and clarified monitoring requirements and operating parameters in §63.453, Monitoring Systems. EPA also revised §63.457, Test Methods and Procedures, by making clarifying edits and text corrections and adding the one-hour test length specification to the liquid sampling requirements in (c)(3). EPA also redesignated paragraph (c)(3)(ii) as paragraph (c)(3)(iii), added new paragraph (c)(3)(ii), and revised Table 1.

On July 13, 1999, EPA published a direct final rule that amended 40 CFR §63.468, Reporting Requirements, Subpart T. This rule became effective on September 13, 1999 because EPA did not receive any adverse comments relating to this amendment. The commission incorporates this amendment, without changes, by reference into §113.250. On August 19, 1999, EPA proposed additional amendments to Subpart T, National Emission Standards for Halogenated Solvent Cleaning; however, EPA received adverse comments related to its August 19, 1999 amendments and on October 18, 1999 withdrew its proposed rule. On December 3, 1999, EPA issued final rule amendments to make corrections and clarifications to this subpart and to give compliance options for continuous web cleaning machines. On December 14, 1999, EPA issued a final amendment to allow EPA-approved state operating permit programs the option to defer 40 CFR 70 operating permit requirements until December 9, 2004 for these area sources. For area sources covered by EPA-administered 40 CFR 71 permitting program, EPA deferred the permitting requirements until December 9, 2004.

On March 9, 1999, EPA proposed amendments to 40 CFR 63, Subpart U, and Subpart JJJ, to add provisions, correct errors, and make clarifications. On May 7, 1999, EPA issued a notice that it was withdrawing Amendment 6 from the direct final rule issued on March 9, 1999, but that the remaining amendments would become effective on May 10, 1999. On June 30, 1999, EPA issued a direct final rule to indefinitely stay the compliance dates for portions of the NESHAP for Group I Polymers and Resins and Group IV Polymers and Resins for existing affected sources and new affected sources with the initial start up date on or after March 9, 1999 which are subject to the Group I Polymers and Resins and Group IV Polymers and Resins NESHAP requirements for all emission points except equipment leaks.

On December 14, 1999, EPA issued a final amendment for 40 CFR 63, Subpart X, to allow EPA-approved state operating permit programs the option to defer 40 CFR 70 operating permit requirements until December 9, 2004 for these area sources. For area sources covered by EPA-administered 40 CFR permitting program, EPA deferred the permitting requirements until December 9, 2004.

On June 10, 1999, EPA issued the final rule for 40 CFR 63, Subpart AA. This new MACT standard applies to process components at new and existing major sources in phosphoric acid manufacturing plants.

On June 10, 1999, EPA issued the final rule for 40 CFR 63, Subpart BB. This new MACT standard applies to process components at new and existing major sources in phosphate fertilizers manufacturing plants.

On July 20, 1999, EPA amended certain subsections of 40 CFR 63, Subparts DD, OO, PP, QQ, RR, and VV, effective September 20, 1999. These rules and their amendments apply to owners and operators of facilities that are major sources of hazardous air pollutants and manage certain wastes, used oil, or used solvents received from off-site locations. More specific information about the amendments to these subparts is listed in alphabetical order in the following paragraphs.

In 40 CFR 63, Subpart DD, EPA amended this subpart to clarify applicability, revise definitions and standards, and correct equations. EPA also amended test methods and procedures, inspection and monitoring requirements, and reporting requirements. Additionally, EPA revised Table 1 in subpart DD to delete the listing for 1,1-dimethyl hydrazine and to clarify information about the glycol ethers chemical group.

On April 9, 1999, EPA issued a proposed rule and direct final rule to amend 40 CFR 63, Subpart EE. EPA amended §63.703, Standards, to say that if owners and operators increase the control of hazardous air pollutant (HAP) emissions from coating operations beyond what the standards otherwise require, then this amendment gives them the choice of leaving a limited number of solvent storage tanks and/or a limited number of pieces of mix preparation equipment uncontrolled. Because EPA did not receive adverse comments or a hearing request related to this subpart, this amendment was effective on June 8, 1999.

On June 17, 1999, EPA issued final rules for 40 CFR 63, Subpart HH. Generally, this MACT applies to owners and operators of facilities that process, upgrade, or store (1) hydrocarbon liquids (with the

exception of those facilities that exclusively handle black oil) to the point of custody transfer and (2) natural gas from the well up to and including the natural gas processing plant.

In 40 CFR 63, Subpart OO, EPA amended definitions, clarified portions of the tank fixed roof standard, and revised test methods and procedures and added a paragraph to the inspection and monitoring requirements that allows alternative inspection intervals longer than one year when an owner or operator determines that performing a required inspection or monitoring procedure would expose a worker to dangerous, hazardous, or otherwise unsafe conditions.

In Subpart PP, EPA revised definitions, amended test methods and procedures, and clarified parts of the inspection and monitoring requirements.

In Subpart QQ, EPA amended definitions, revised test methods and procedures, and added a paragraph to the inspection and monitoring requirements that allows alternative inspection intervals longer than one year when an owner or operator determine that performing a required inspection or monitoring procedure would expose a worker to dangerous, hazardous, or otherwise unsafe conditions.

In Subpart RR, EPA amended definitions, standards, inspection and maintenance requirements, and recordkeeping and reporting requirements.

The commission incorporates by reference new MACT standard, 40 CFR 63, Subpart SS, as amended through November 22, 1999, into §113.500. The provisions of this new MACT standard apply when

another subpart references the use of this subpart for air emission control. This subpart only applies to those owners and operators whose facilities are subject to a referencing subpart. The amendments EPA issued on November 22, 1999, correct typographical, grammatical, and cross-referencing errors.

The commission incorporates by reference new MACT standard, 40 CFR 63, Subpart TT, as amended November 22, 1999, into §113.510. The provisions of this new MACT standard apply to the control of air emissions from equipment leaks for which another subpart references the use of this subpart for air emission control. These provisions only apply to those owners and operators whose facilities are subject to a referencing subpart. The amendments EPA issued on November 22, 1999, correct typographical, grammatical, and cross-referencing errors.

The commission incorporates by reference new MACT standard, 40 CFR 63, Subpart UU, as amended through November 22, 1999, into §113.520. The provisions of this new MACT standard apply to the control of air emissions from equipment leaks for which another subpart references the use of this subpart for air emission control. These provisions only apply to those owners and operators whose facilities are subject to a referencing subpart. The amendments EPA issued on November 22, 1999, correct typographical, grammatical, and cross-referencing errors.

In Subpart VV, EPA amended definitions and test methods and procedures and added new §63.1045, Standards – Pressurized Separator. EPA also added a new paragraph to the inspection and monitoring requirements to allow alternative inspection intervals longer than one year when an owner or operator

determines that performing a required inspection or monitoring procedure would expose a worker to dangerous, hazardous, or otherwise unsafe conditions.

The commission incorporates by reference new MACT standard, 40 CFR 63, Subpart WW, into §113.540. The provisions of this new MACT standard apply to the control of air emissions from storage vessels for which another subpart references the use of this subpart for air emission control. These provisions only apply to those owners and operators whose facilities are subject to a referencing subpart.

The commission incorporates by reference new MACT standard, 40 CFR 63, Subpart YY, into §113.560. This subpart applies to the following source categories: Acetal Resins Production; Acrylic and Modacrylic Fibers Production; Hydrogen Fluoride Production; and Polycarbonate Production. EPA promulgated this standard on June 29, 1999; however, deferred action on provisions applicable to wastewater streams for the acetal resins (AR), acrylic and modacrylic fibers (AMF), and polycarbonate production (PC) production source categories. On November 22, 1999, EPA promulgated the final amendments for wastewater streams for the AR, AMF, and PC source categories. Under these amendments, potentially regulated entities include major sources subject to Clean Air Act, §112 that produce AR, AMF, and PC. Additionally, on November 22, 1999, (64 FR 63702) EPA issued amendments for this subpart to correct typographical, grammatical, and cross-referencing errors. In the December 22, 1999 *Federal Register*, there was a correction to Table 5 to §63.1103(d).

On June 22, 1999, EPA issued the final rule for 40 CFR 63, Subpart CCC. Regulated sources may include a stand-alone steel pickling facility or acid regeneration plant that is a major source of HAP or a steel pickling facility and/or acid regeneration plant that is part of a major source of HAP.

On June 1, 1999, EPA issued the final rule for 40 CFR 63, Subpart DDD, into §113.610. This MACT applies to each existing, new, and reconstructed mineral wool production facility at a plant site that is a major source of HAP emissions.

On June 19, 1996, EPA proposed the hazardous waste combustor MACT, 40 CFR 63, Subpart EEE.

On June 19, 1998, EPA finalized portions of the MACT which include requirements for sources to provide a notification of intent to comply with the final rule, progress reports once the final rule is promulgated, and allowances for extensions to the compliance period. EPA finalized these MACT provisions early because under 42 USC, §7412(i), affected sources have three years (with a potential one-year extension) to comply with a MACT standard, whereas modifications to a Resource Conservation and Recovery Act (RCRA) permit may take several years to process. Therefore, EPA promulgated a streamlined approach to making permit modifications to comply with MACT requirements.

On September 30, 1999, EPA promulgated, under joint authority of the FCAA and RCRA, the final emission standards for hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregated kilns. These amendments revised not only 40 CFR Part 63 but also 40 CFR Part 60, Standards of Performance for New Stationary Sources; 40 CFR Part

260, Hazardous Waste Management System: General; 40 CFR Part 261, Identification and Listing of Hazardous Waste; 40 CFR Part 264, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; 40 CFR Part 265, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; 40 CFR Part 266, Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities; 40 CFR Part 270, EPA Administered Permit Programs: The Hazardous Waste Permit Program; and 40 CFR Part 271, Requirements for Authorization of State Hazardous Waste Programs. On November 19, 1999, EPA promulgated technical amendments to the June 19, 1998 Final Rule that clarified §63.1210 and §63.1211 of the NESHAP for Hazardous Waste Combustors. EPA amended §63.1210, Notification of Intent to Comply, to clarify that only elements outlined in §63.1210(b)(1)(ii) which actually apply to the source must be addressed by the source in its notice of intention to comply. Section 63.1211, Progress Reports, was amended to make clear that a source does not have to use an outside contractor and may use in-house personnel or existing agreements to purchase, fabricate, and install any equipment needed to comply with the emission standards.

On June 17, 1999, EPA issued the final rule for 40 CFR 63, Subpart HHH. This subpart applies to owners and operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there is no local distribution economy), and that are major sources of HAP emissions as determined using the maximum natural gas throughput calculated in either paragraph (a)(1) or (a)(2) and paragraphs (a)(3) and (a)(4) of §63.1270, Applicability and Designation of Affected Source.

On June 8, 1999, EPA extended certain compliance dates under 40 CFR 63, Subpart JJJ. Additional amendments to subpart JJJ were previously discussed in the Subpart U section.

On June 14, 1999, EPA issued the final rule for 40 CFR 63, Subpart LLL. Generally, this subpart applies to each new and existing portland cement plant which is a major source or an area source as defined in 40 CFR §63.2, including each kiln and in-line kiln/raw mill at any major or area source including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under 40 CFR, Subpart EEE; each clinker cooler; raw mill; finish mill; raw material dryer; raw material, clinker or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system at any portland cement plant which is a major source. Additionally, this subpart applies to each greenfield raw material dryer at any portland cement plant which is a major or area source.

On June 23, 1999, EPA issued the final rule for 40 CFR 63, Subpart MMM. This rule adds additional chemical production processes to the agricultural chemicals industry group, groups the initial and additional source categories into a single source category, and renames the source category. It applies to the facility-wide collection of pesticide active ingredient manufacturing process units (PAI process units) that process, use or produce HAP, and are at a plant site that is a major source, as defined in 42 USC, §7412(a). Affected sources also include waste management units, heat exchange systems, and cooling towers that are associated with the PAI process units.

On June 14, 1999, EPA issued the final rule for 40 CFR 63, Subpart NNN. This rule applies to each new and existing source at wool fiberglass manufacturing facilities that are major sources, including all glass-melting furnaces, rotary spin manufacturing lines that produce bonded building insulation, flame attenuation manufacturing lines that produce bonded pipe insulation, and new flame attenuation lines producing bonded heavy-density products.

On January 20, 2000, EPA issued the final rule for 40 CFR 63, Subpart OOO. This rule applies to each new and existing amino/phenolic resins production unit that is at a facility that is a major source of HAPs emissions.

On June 1, 1999, EPA issued the final rule for 40 CFR 63, Subpart PPP. This rule applies to affected sources, defined as each group of one or more polyether polyols manufacturing process units at a plant site that is a major source. More specific details relating to applicability are in §63.1420, Applicability and designation of affected sources. On June 14, 1999, EPA issued a correction for §63.1427, Process vent requirements for processes using extended cookout as an epoxide emission reduction technique, paragraph (e)(2) of this subpart. The correction added Equation 11, which was left out of the final rule published in the June 1, 1999 *Federal Register*.

On June 4, 1999, EPA issued the final rule for 40 CFR 63, Subpart TTT. This rule applies to affected sources at primary lead smelters, including: sinter machine, blast furnace, dross furnace, process fugitive sources, and fugitive dust sources.

On October 26, 1999, EPA issued the final rule for 40 CFR 63, Subpart VVV. This rule applies to a publicly owned treatment works (POTW), that is a major source of HAP that includes an affected source and is required to develop and implement a pretreatment program as defined by 40 CFR §403.8, or a POTW that meets the general criteria for development and implementation of a pretreatment program.

On May 20, 1999, EPA issued the final rule for 40 CFR 63, Subpart XXX. This rule applies to new and existing ferroalloy production facilities that manufacture ferromanganese and silicomanganese and are major sources of HAP emissions or are co-located at major sources of HAP emissions.

EFFECT ON SITES SUBJECT TO THE FEDERAL OPERATING PERMIT PROGRAM

Because 30 TAC Chapter 113 is an applicable requirement under 30 TAC Chapter 122, Federal Operating Permits, owners or operators subject to the Federal Operating Permit Program must be consistent with the operating permit revision process in Chapter 122 and revise their permit to include the revised requirements for each emission unit at their site affected by the amendments to Chapter 113.

REGULATORY IMPACT ASSESSMENT

The commission reviewed this rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that these rules do not meet the definition of a “major environmental rule” as defined in that statute. “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 amendments is to adopt NESHAPs for source categories mandated by 42 USC, §7412. These NESHAPs for source categories are technology-based standards commonly referred to as MACT standards. EPA is developing these national standards to regulate emissions of hazardous air pollutants 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 EPA. The amendments are not anticipated to add any significant additional costs to affected individuals or businesses beyond the existing requirements to comply with the federal standards. The rules are intended to protect the environment, but are not anticipated to have material adverse effects beyond what is already required to comply with federal MACT standards on the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. In addition, Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

This rulemaking action does not meet any of these four applicability requirements of a “major environmental rule.” Specifically, the MACT standards within this rulemaking action are federal technology-based standards which are adopted by reference without modification or substitution, and

therefore will not exceed any standard set by federal law. These rules are not an express requirement of state law, but were developed by EPA as NESHAPs for source categories mandated by 42 USC, §7412. At the present time, the commission is awaiting delegation of the MACT program from the EPA. The amendments do not exceed a requirement of a delegation agreement or a contract between state and federal government. The amendments were not developed solely under the general powers of the agency, but are adopted under the Texas Health and Safety Code and the Texas Clean Air Act (TCAA), §382.011, which provides for the commission with authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; and §382.051, which provides the commission with the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to air permits.

TAKINGS IMPACT ASSESSMENT

The commission prepared a Takings Impact Assessment for this rulemaking action under the Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of this rulemaking action is to facilitate implementation and enforcement of the MACT standards by the state. This rulemaking action will not create any additional burden on private real property. Under federal law, the affected industries will be required to implement these MACT standards regardless of whether the commission or EPA is the agency responsible for implementation of the standards.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission 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 the commission rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the CMP. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3), relating to actions and rules subject to the CMP, 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. This rulemaking action is consistent with the goal expressed in 31 TAC §501.12(1) of protecting and preserving the quality and value of coastal natural resource areas. The CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations at 40 CFR to protect and enhance air quality in the coastal area (31 TAC §501.14(q)). This action will adopt by reference, without changes, 39 new and amended federal MACT standards contained in 40 CFR Part 63 and is, therefore, consistent with this policy. No persons submitted comments on the consistency of the proposed rules with the CMP during the public comment period.

HEARING AND COMMENTERS

A public hearing was held in Austin on March 20, 2000 and the comment period closed on March 27, 2000. No one attended the hearing and one individual submitted a written comment. The individual supported the changes and new rules.

ANALYSIS OF TESTIMONY

One individual commented that he supported the changes and new rules as proposed.

The commission appreciates the support.

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, TCAA, §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

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

(FCAA §112, 40 CFR 63)

DIVISION 1: GENERAL PROVISIONS

§113.100

§113.100. General Provisions (40 CFR 63, Subpart A).

The General Provisions for the National Emission Standards for Hazardous Air Pollutants for Source Categories as specified in 40 Code of Federal Regulations 63, Subpart A, are incorporated by reference as amended through April 12, 1999 at 64 FedReg 17555 with the following exceptions:

(1) The language of §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 paragraph (d) of this section. 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 §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 paragraph (i)(4)(i) or (i)(5) of this section. 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 §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 paragraph (i)(4)(ii) of this section. 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 §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 §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 §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 §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.

DIVISION 2: HAZARDOUS ORGANIC NESHAP

§§113.110, 113.120, 113.130

STATUTORY AUTHORITY

The amendments are adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

The amendments are also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.110. Synthetic Organic Chemical Manufacturing Industry (40 CFR 63, Subpart F).

The Synthetic Organic Chemical Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart F, is incorporated by reference as amended through April 26, 1999, at 64 FedReg 20189.

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

The Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart G, is incorporated by reference as amended through April 26, 1999, at 64 FedReg 20189.

§113.130. Organic Hazardous Air Pollutants for Equipment Leaks (40 CFR 63, Subpart H).

The Organic Hazardous Air Pollutants for Equipment Leaks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart H, is incorporated by reference as amended through April 26, 1999, at 64 FedReg 20189.

DIVISION 4: PERCHLOROETHYLENE DRY CLEANING FACILITIES

§113.180

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.180. Perchloroethylene Dry Cleaning Facilities (40 CFR 63, Subpart M).

The Perchloroethylene Dry Cleaning Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart M, is incorporated by reference as amended through December 14, 1999, at 64 FedReg 69637.

**DIVISION 5: CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM
ELECTROPLATING AND CHROMIUM ANODIZING TANKS**

§113.190

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.190. Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR 63, Subpart N).

The Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart N, is incorporated by reference as amended through December 14, 1999, at 64 FedReg 69637.

DIVISION 6: Ethylene Oxide Sterilization Facilities

§113.200

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.200. Ethylene Oxide Sterilization Facilities (40 CFR 63, Subpart O).

The Ethylene Oxide Sterilization Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart O, is incorporated by reference as amended through December 14, 1999, at 64 FedReg 69637.

DIVISION 9: PULP AND PAPER PRODUCTION

§113.240

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.240. Pulp and Paper Production (40 CFR 63, Subpart S).

The Pulp and Paper Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart S, is incorporated by reference as amended through April 12, 1999, at 64 FedReg 17555.

DIVISION 10: HALOGENATED SOLVENT CLEANING

§113.250

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.250. Halogenated Solvent Cleaning (40 CFR 63, Subpart T).

The Halogenated Solvent Cleaning Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart T, is incorporated by reference as amended through December 14, 1999, 64 FedReg 69637.

DIVISION 11: GROUP I POLYMERS AND RESINS

§113.260

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.260. Group I Polymers and Resins (40 CFR 63, Subpart U).

The Group I Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart U, is incorporated by reference as amended through June 30, 1999, 64 FedReg 35023.

DIVISION 13: SECONDARY LEAD SMELTING

§113.290

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.290. Secondary Lead Smelting (40 CFR 63, Subpart X).

The Secondary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart X, is incorporated by reference as amended through December 14, 1999, at 64 FedReg 69637.

DIVISION 15: PHOSPHORIC ACID MANUFACTURING PLANTS

§113.320

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.320. Phosphoric Acid Manufacturing Plants (40 CFR 63, Subpart AA).

The Phosphoric Acid Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart AA, is incorporated by reference as adopted June 10, 1999, at 64 FedReg 31358.

DIVISION 16: PHOSPHATE FERTILIZERS PRODUCTION PLANTS

§113.330

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.330. Phosphate Fertilizers Production Plants (40 CFR 63, Subpart BB).

The Phosphate Fertilizers Production Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart BB, is incorporated by reference as adopted June 10, 1999, at 64 FedReg 31358.

DIVISION 18: OFF-SITE WASTE RECOVERY OPERATIONS

§113.350

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.350. Off-site Waste Recovery Operations (40 CFR 63, Subpart DD).

The Off-site Waste Recovery Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart DD, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

DIVISION 19: MAGNETIC TAPE MANUFACTURING OPERATIONS

§113.360

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.360. Magnetic Tape Manufacturing Operations (40 CFR 63, Subpart EE).

The Magnetic Tape Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart EE, is incorporated by reference as amended through April 9, 1999, at 64 FedReg 17460.

DIVISION 21: OIL AND NATURAL GAS PRODUCTION FACILITIES

§113.390

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.390. Oil and Natural Gas Production Facilities (40 CFR 63, Subpart HH).

The Oil & Natural Gas Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart HH, is incorporated by reference as adopted June 17, 1999, at 64 FedReg 32610.

DIVISION 26: TANKS – LEVEL 1

§113.460

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.460. Tanks – Level 1 (40 CFR 63, Subpart OO).

The Tanks – Level 1 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart OO, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

DIVISION 27: CONTAINERS

§113.470

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.470. Containers (40 CFR 63, Subpart PP).

The Containers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart PP, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

DIVISION 28: SURFACE IMPOUNDMENTS

§113.480

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.480. Surface Impoundments (40 CFR 63, Subpart QQ).

The Surface Impoundments Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart QQ, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

DIVISION 29: INDIVIDUAL DRAIN SYSTEMS

§113.490

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.490. Individual Drain Systems (40 CFR 63, Subpart RR).

The Individual Drain System Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart RR, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

**DIVISION 30: CLOSED VENT SYSTEMS, CONTROL DEVICES, RECOVERY DEVICES,
AND ROUTING TO FUEL GAS SYSTEM PROCESS**

§113.500

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.500. Closed Vent Systems, Control Devices, Recovery Devices, and Routing to Fuel Gas System or Process (40 CFR 63, Subpart SS).

The Closed Vent Systems, Control Devices, Recovery Devices, and Routing to Fuel Gas System or Process Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart SS, is incorporated by reference as adopted June 29, 1999 at 64 FedReg 34854 and as amended through November 22, 1999, at 64 FedReg 63702.

DIVISION 31: EQUIPMENT LEAKS – CONTROL LEVEL 1

§113.510

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.510. Equipment Leaks – Control Level 1 (40 CFR 63, Subpart TT).

The Equipment Leaks – Control Level 1 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart TT, is incorporated by reference as adopted June 29, 1999, at 64 FedReg 34854 and as amended through December 22, 1999 at 64 FedReg 63702.

DIVISION 32: EQUIPMENT LEAKS – CONTROL LEVEL 2

§113.520

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.520. Equipment Leaks – Control Level 2 (40 CFR 63, Subpart UU).

The Equipment Leaks – Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart UU, is incorporated by reference as adopted June 29, 1999, at 64 FedReg 34854 and as amended through November 22, 1999, at 64 FedReg 63702.

DIVISION 33: OIL-WATER SEPARATORS AND ORGANIC-WATER SEPARATORS

§113.530

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.530. Oil-Water Separators and Organic-Water Separators (40 CFR 63, Subpart VV).

The Oil-Water Separators and Organic-Water Separators Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart VV, is incorporated by reference as amended through July 20, 1999, at 64 FedReg 38950.

DIVISION 34: STORAGE VESSELS – (TANKS) CONTROL LEVEL 2

§113.540

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.540. Storage Vessels – (Tanks) Control Level 2 (40 CFR 63, Subpart WW).

The Storage Vessels – (Tanks) Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart WW, is incorporated by reference as adopted June 29, 1999, at 64 FedReg 34854.

DIVISION 35: GENERIC MACT

§113.560

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.560. Generic MACT (40 CFR 63, Subpart YY).

The Generic Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart YY, is incorporated by reference as adopted June 29, 1999, at 64 FedReg 34854 and as amended through November 22, 1999, at 64 FedReg 63695 and 63702.

DIVISION 36: STEEL PICKLING – HCl PROCESS FACILITIES AND HYDROCHLORIC

ACID REGENERATION PLANTS

§113.600

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.600. Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 CFR 63, Subpart CCC).

The Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart CCC, is incorporated by reference as adopted June 22, 1999, at 64 FedReg 33202.

DIVISION 37: MINERAL WOOL PRODUCTION

§113.610

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.610. Mineral Wool Production (40 CFR 63, Subpart DDD).

The Mineral Wool Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart DDD, is incorporated by reference as adopted June 1, 1999, at 64 FedReg 29490.

DIVISION 38: HAZARDOUS WASTE COMBUSTORS

§113.620

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.620. Hazardous Waste Combustors (40 CFR 63, Subpart EEE).

The Hazardous Waste Combustor Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart EEE, is incorporated by reference as amended through November 19, 1999 at 64 FedReg 63209.

DIVISION 40: NATURAL GAS TRANSMISSION AND STORAGE FACILITIES

§113.650

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.650. Natural Gas Transmission and Storage Facilities (40 CFR 63, Subpart HHH).

The Natural Gas Transmission and Storage Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart HHH, is incorporated by reference as adopted June 17, 1999, at 64 FedReg 32610.

DIVISION 42: GROUP IV POLYMERS AND RESINS

§113.670

STATUTORY AUTHORITY

This amendment is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This amendment is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.670. Group IV Polymers and Resins (40 CFR 63, Subpart JJJ).

The Group IV Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart JJJ, is incorporated by reference as amended through June 30, 1999, at 64 FedReg 35023.

DIVISION 43: PORTLAND CEMENT MANUFACTURING

§113.690

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.690. Portland Cement Manufacturing (40 CFR 63, Subpart LLL)

The Portland Cement Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart LLL, is incorporated by reference as adopted June 14, 1999, at 64 FedReg 31898.

DIVISION 44: PESTICIDE ACTIVE INGREDIENT PRODUCTION

§113.700

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.700. Pesticide Active Ingredient Production (40 CFR 63, Subpart MMM).

The Pesticide Active Ingredient Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart MMM, is incorporated by reference as adopted June 23, 1999, at 64 FedReg 33550.

DIVISION 45: WOOL FIBERGLASS MANUFACTURING

§113.710

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.710. Wool Fiberglass Manufacturing (40 CFR 63, Subpart NNN).

The Wool Fiberglass Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart NNN, is incorporated by reference June 14, 1999, at 64 FedReg 31695.

DIVISION 46: MANUFACTURE OF AMINO/PHENOLIC RESINS

§113.720

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.720. Manufacture of Amino/Phenolic Resins (40 CFR 63, Subpart OOO).

The Manufacture of Amino/Phenolic Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart OOO, is incorporated by reference as adopted January 20, 2000, at 64 FedReg 29420.

DIVISION 47: POLYETHER POLYOLS PRODUCTION

§113.730

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.730. Polyether Polyols Production (40 CFR 63, Subpart PPP).

The Polyether Polyols Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart PPP, is incorporated by reference as adopted June 1, 1999, at 64 FedReg 29420.

DIVISION 48: PRIMARY LEAD SMELTING

§113.770

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.770. Primary Lead Smelting (40 CFR 63, Subpart TTT).

The Primary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart TTT, is incorporated by reference as adopted June 4, 1999, at 64 FedReg 30194.

DIVISION 49: PUBLICALLY OWNED TREATMENT WORKS

§113.790

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.790. Publicly Owned Treatment Works (40 CFR 63, Subpart VVV).

The Publicly Owned Treatment Works Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart VVV, is incorporated by reference as adopted October 26, 1999, at 64 FedReg 57572.

DIVISION 50: FERROALLOYS PRODUCTION:

FERROMANGANESE AND SILICOMANGANESE

§113.810

STATUTORY AUTHORITY

This new section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt rules necessary to carry out its powers and duties under the TWC.

This new section is also adopted under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.011, which provides the commission the authority to establish the level of quality to be maintained in the state's air; §382.012, which provides for the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; §382.016, which provides the commission the authority to prescribe reasonable requirements for measuring, monitoring, and recording emissions; §382.017, which provides the commission the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides the commission the authority to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA.

§113.810. Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR 63, Subpart XXX)

The Ferroalloys Production: Ferromanganese and Silicomanganese Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations 63, Subpart XXX, is incorporated by reference as adopted May 20, 1999, at 64 FedReg 27450.

