

The Texas Natural Resource Conservation Commission (commission) proposes 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; and 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, 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.

The proposed new sections concern requirements that are contained in Title 40 Code of Federal Regulations Part 63 (40 CFR 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 §7412). These NESHAPs for source categories are technology-based standards commonly referred to as Maximum Achievable Control Technology (MACT) standards.

The proposed amendments incorporate changes that EPA has 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 proposed revision to the SIP.

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

The commission proposes to adopt 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 will be 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

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

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

Division 17 will become Division 19. Division 18 will become Division 20. Division 19 will become

Division 22. Division 20 will become Division 23. Division 21 will become Division 24. Division 22 will become Division 25. Division 23 will become Division 26. Division 24 will become Division 27. Division 25 will become Division 28. Division 26 will become Division 29. Division 27 will become Division 33. Division 28 will become Division 38. Division 29 will become Division 39. Division 30 will become Division 41. Division 31 will become Division 42.

The commission proposed to incorporate 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 incorporate them into Chapter 113 through formal rulemaking procedures. The commission will seek formal delegation from EPA under 40 CFR 63, Subpart E, which implements the 42 U.S.C §7412(1).

#### SECTION BY SECTION DESCRIPTION

The commission is adopting the following new title for 30 TAC 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.

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 has 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 has 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. And, 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 has 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 also 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 1-hour test length specification to the liquid sampling requirements in (c)(3). EPA also redesignated paragraph (c)(3)(ii) as paragraph (c)(3)(iii) and 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 proposes to incorporate 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. And, 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 has 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 has 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 subsection 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 is 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 proposes to incorporate 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 proposes to incorporate 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 proposes to incorporate 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 proposes to incorporate 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 proposes to incorporate 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. And 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 the FCAA, 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)(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 are discussed in the subpart U section above.

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 U.S.C. §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

Since 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 revision process in Chapter 122 and revise their operating permit to include the revised 30 TAC Chapter requirements for each emission unit affected by the revisions to Chapter 113 at their site.

#### FISCAL NOTE

Bob Orozco, Technical Specialist in the Strategic Planning and Appropriations Section, has determined that for the first five-year period the proposed amendments are in effect there will be no significant fiscal implications for units of state government and local government as a result of administration or enforcement of the proposed amendments. The purpose of the proposed amendments are to adopt NESHAPS for source categories mandated by the FCAA and the amendments to that act. 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. The commission will implement and enforce the requirements of MACT upon delegation by the EPA. 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 proposed amendments are not anticipated to add additional costs to the regulated community beyond what is already required to comply with the federal standards.

In the proposed amendments, the commission is adopting by reference 19 new rules containing MACT standards and 20 amendments to existing MACT standards which Texas has already adopted. The following table lists the subparts of 40 CFR Part 63 that were amended by EPA and adopted in the proposed amendment by reference, the common name for that subpart, and whether the change has resulted in an amendment or a new rule:

| <b>40 CFR 63 Subpart</b> | <b>Common Name</b>   | <b>New Rule or Amendment</b> |
|--------------------------|--|------------------------------|
| A                        | General Provisions   | amendment                    |
| F                        | Synthetic Organic Chemical Manufacturing Industry  | amendment                    |
| G                        | Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater | amendment                    |
| H                        | Organic HAP for Equipment Leaks  | amendment                    |
| M                        | Perchloroethylene Dry Cleaning Facilities  | amendment                    |
| N                        | Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks                         | amendment                    |
| <b>40 CFR 63 Subpart</b> | <b>Common Name</b>   | <b>New Rule or Amendment</b> |

|    |   |           |
|----|---|-----------|
| O  | Ethylene Oxide Commercial Sterilization and Fumigation Operations                                 | amendment |
| S  | Pulp and Paper Production   | amendment |
| T  | Halogenated Solvent Cleaning  | amendment |
| U  | Group I Polymers and Resins   | amendment |
| X  | Secondary Lead Smelting   | amendment |
| AA | Phosphoric Acid   | new rule  |
| BB | Phosphate Fertilizers   | new rule  |
| DD | Off-site Waste Recovery Operations  | amendment |
| EE | Magnetic Tape Manufacturing   | amendment |
| HH | Oil & Natural Gas Production  | new rule  |
| OO | Tanks - Level 1   | amendment |
| PP | Containers  | amendment |
| QQ | Surface Impoundments  | amendment |
| RR | Individual Drain Systems  | amendment |
| SS | Closed Vent Systems, Control Devices, Recovery Devices, and Routing to Fuel Gas System or Process | new rule  |
| TT | Equipment Leaks - Control Level 1   | new rule  |
| UU | Equipment Leaks - Control Level 2   | new rule  |
| VV | Oil Water Separators & Organic-Water Separators   | amendment |
| WW | Storage Vessels - (Tanks) Control Level 2   | new rule  |

**40 CFR 63 Subpart      Common Name      New Rule or Amendment**

|     |  |           |
|-----|--|-----------|
| YY  | Generic MACT                           | new rule  |
| CCC | Steel Pickling - HCL Process           | new rule  |
| DDD | Mineral Wool Production                | new rule  |
| EEE | Hazardous Waste Combustors             | amendment |
| HHH | Natural Gas Transmission and Storage   | new rule  |
| JJJ | Group IV Polymers and Resins           | amendment |
| LLL | Portland Cement Manufacturing          | new rule  |
| MMM | Pesticide Active Ingredient Production | new rule  |
| NNN | Wool Fiberglass Manufacturing          | new rule  |
| OOO | Manufacture of Amino/Phenolic Resins   | new rule  |
| PPP | Polyether Polyols Production           | new rule  |
| TTT | Primary Lead Smelting                  | new rule  |
| VVV | Publicly Owned Treatment Works         | new rule  |
| XXX | Ferroalloys Production                 | new rule  |

Some of the industries affected are indicated in this table, however, EPA cautions that the list of industries is only a guide, is not exhaustive, and that the regulated community should consult the applicability criteria in the rules to determine if they are affected.

The owner or operator of a facility which emits hazardous air pollutants must comply with MACT as it applies at that particular site. It is anticipated that affected sources of hazardous air pollutants will be required to apply some level of control to emission points. The proposed amendments contain

amendments which range from correcting typographical and grammatical errors to new emission standards.

#### PUBLIC BENEFIT

Mr. Orozco has also determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated from enforcement of and compliance with the proposed amendments will be a reduction in the emission of hazardous air pollutants, increased consistency between federal and state air quality regulations, more cost effective implementation and enforcement of air quality standards, the accompanying reduced risks to human health and safety from a reduction of emission of hazardous air pollutants, and conformance with the requirements of the FCAA.

There are no additional fiscal implications anticipated to affected owners and operators beyond what is already required to comply with federal MACT standards. The proposed amendments affect certain sources of hazardous air pollutants which will be required to comply with federal MACT standards whether or not the commission adopts the standards or takes delegation from EPA.

#### SMALL BUSINESS AND MICRO-BUSINESS ANALYSIS

There are no anticipated significant additional fiscal implications for small businesses and micro-businesses as a result of implementation and enforcement of the proposed amendments to beyond what is already required to comply with federal MACT standards. The purpose of the proposed amendments is to adopt MACT standards mandated by the FCAA without addition or revision. Small or micro-

businesses that are sources of hazardous air pollution are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from EPA.

The proposed amendments affect certain sources of hazardous air pollutants. Some small or micro-businesses that are sources of hazardous air pollutants are classified as “area sources” which are too numerous to identify individually through emission inventories.

#### DRAFT REGULATORY IMPACT ANALYSIS

The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and has determined that the rulemaking does 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 the proposed amendments is to adopt NESHAPS for source categories mandated by the FCAA and the amendments to that act. 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 proposed 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 proposed

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, §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 does not meet any of these four applicability requirements of a “major environmental rule.” Specifically, the MACT standards within this proposal are federal technology-based standards which will be adopted by reference without modification or substitution, and therefore will not exceed any standard set by federal law. This proposal is not an express requirement of state law, but were developed by EPA as NESHAPS for source categories mandated by the FCAA and the amendments to that act. At the present time, the commission is awaiting delegation of the MACT program from the EPA. The proposed amendments do exceed a requirement of a delegation agreement or a contract between state and federal government. The proposed amendments were not developed solely under the general powers of the agency, but are proposed under the Texas Health and Safety Code and the Texas Clean Air Act, §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 has prepared a Takings Impact Assessment for this proposal under the Texas Government Code (TGC), §2007.043. The following is a summary of that assessment. The specific purpose of this rulemaking is to facilitate implementation and enforcement of the MACT standards by the state. This rulemaking 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.

#### COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has determined that the proposed rulemaking 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's 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 has reviewed this proposed action for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council, and has determined that the proposed action is consistent with the applicable CMP goals and policies. This proposed rulemaking 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 proposal 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. Interested persons may submit comments on the consistency of the proposed rules with the CMP during the public comment period.

#### PUBLIC HEARING

A public hearing on this proposal will be held in Austin on March 20, 2000, at 10:00 a.m. in Building B, Room 201A of the commission's central office, located at 12100 North IH-35, Park 35 Technical Center, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Comments may be submitted to Bettie Bell, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Log Number 1999-082-113-AI. Comments must be received by 5:00 p.m., March 27, 2000. For further information or questions concerning this proposal, contact Alen Henderson, Office of Environmental Policy, Analysis, and Assessment at (512) 239-1510.

#### STATUTORY AUTHORITY

The new and amended sections rules are proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the TCAA; and delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

These proposed new and amended MACTs implement Texas Health and Safety Code, §382.012, State Air Control Plan; §382.017, Rules; and §382.051, Permitting Authority of Commission; Rules.

**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 CFR 63, Subpart A, are incorporated by reference as amended through April 12, 1999 [May 4, 1998,] at 64 FedReg 17555 [are incorporated by reference] with the following exceptions:

(1) - (7) (No change.)

**DIVISION 2 : HAZARDOUS ORGANIC NESHAP**

**§113.110**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart F, is incorporated by reference as amended through April 26, 1999, [May 12, 1998], at 64 FedReg 20189 [is incorporated by reference].

**DIVISION 2 : HAZARDOUS ORGANIC NESHAP**

**§113.120**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart G, is incorporated by reference as amended through April 26, 1999, [December 9, 1998,] at 64 FedReg 20189 [is incorporated by reference].

**DIVISION 2 : HAZARDOUS ORGANIC NESHAP**

**§113.130**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart H, is incorporated by reference as amended through April 26, 1999, [January 17, 1997,] at 64 FedReg 20189 [is incorporated by reference].

#### **DIVISION 4: PERCHLOROETHYLENE DRY CLEANING FACILITIES**

##### **§113.180**

###### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

###### **§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 CFR 63, Subpart M, is incorporated by reference as amended through December 14, 1999, [September 19, 1996,] at 64 FedReg 69637 [is incorporated by reference].

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

**§113.190**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

**§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 CFR 63,

Subpart N, is incorporated by reference as amended through December 14, 1999, [August 11, 1997,] at  
64 FedReg 69637 [is incorporated by reference].

**DIVISION 6: Ethylene Oxide Sterilization Facilities**

**§113.200**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart O, is incorporated by reference as amended through December 14, 1999, [December 4, 1998,] at 64 FedReg 69637 [is incorporated by reference].

## **DIVISION 9: PULP AND PAPER PRODUCTION**

### **§113.240**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

#### **§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 CFR 63, Subpart S, is incorporated by reference as amended through April 12, 1999, [December 28, 1998,] at 64 FedReg 17555 [is incorporated by reference].

## **DIVISION 10: HALOGENATED SOLVENT CLEANING**

### **§113.250**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Halogenated Solvent Cleaning Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart T, is incorporated by reference as amended through December 14, 1999. [December 11, 1998,] 64 FedReg 69637 [is incorporated by reference].

## **DIVISION 11: GROUP I POLYMERS AND RESINS**

### **§113.260**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

#### **§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 CFR 63, Subpart U, is incorporated by reference as amended through June 30, 1999, [July 15, 1997,] 64 FedReg 35023 [is incorporated by reference].

## **DIVISION 13: SECONDARY LEAD SMELTING**

### **§113.290**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Secondary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart X, is incorporated by reference as amended through December 14, 1999, [August 24, 1998,] at 64 FedReg 69637 [is incorporated by reference].

**DIVISION 15 : PHOSPHORIC ACID MANUFACTURING PLANTS**

**§113.320**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

#### **§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 CFR 63, Subpart DD, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

**DIVISION 19: MAGNETIC TAPE MANUFACTURING OPERATIONS**

**§113.360**

**STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart EE, is incorporated by reference as amended through April 9, 1999, [December 15, 1994,] at 64 FedReg 17460 [is incorporated by reference].

**DIVISION 21 : OIL AND NATURAL GAS PRODUCTION FACILITIES**

**§113.390**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Tanks – Level 1 Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart OO, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

## **DIVISION 27: CONTAINERS**

### **§113.470**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Containers Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart PP, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

## **DIVISION 28: SURFACE IMPOUNDMENTS**

### **§113.480**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Surface Impoundments Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart QQ, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

## **DIVISION 29: INDIVIDUAL DRAIN SYSTEMS**

### **§113.490**

#### **STATUTORY AUTHORITY**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

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

The Individual Drain System Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart RR, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

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

**§113.500**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart VV, is incorporated by reference as amended through July 20, 1999, [July 1, 1996,] at 64 FedReg 38950 [is incorporated by reference].

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

**§113.540**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart WW, is incorporated by reference as adopted June 29, 1999, at 64 FedReg 34854.

**DIVISION 35: GENERIC MACT**

**§113.560**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Generic Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Mineral Wool Production Maximum Achievable Control Technology standard as specified in 40 CFR 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**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

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

The Hazardous Waste Combustor Maximum Achievable Control Technology standard as specified in 40 CFR 63, Subpart EEE, is incorporated by reference as amended through November 19, 1999 [June 19, 1998,]at 64 FedReg 63209 [is incorporated by reference].

**DIVISION 40: NATURAL GAS TRANSMISSION AND STORAGE FACILITIES**

**§113.650**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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**

The amendment is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The amendment is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 63, Subpart JJJ, is incorporated by reference as amended through June 30, 1999, [March 31, 1998,] at 64 FedReg 35023 [is incorporated by reference].

**DIVISION 43: PORTLAND CEMENT MANUFACTURING**

**§113.690**

STATUTORY AUTHORITY

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Portland Cement Manufacturing Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Wool Fiberglass Manufacturing Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Manufacture of Amimo/Phenolic Resins Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Polyether Polyols Production Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

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

The Primary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(I).

**§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 CFR 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

The new rule is proposed under the Texas Health and Safety Code, the 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, concerning monitoring requirements and examination of records; §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.051, which provides for the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under Chapter 382.

The new rule is proposed to obtain delegation from EPA under 40 CFR 63, Subpart E, which implements the FCAA Amendments, §112(l).

**§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 CFR 63, Subpart XXX, is incorporated by reference as adopted May 20, 1999, at 64 FedReg 27450.