

Effective: November 24, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2016-040-101-CE
Clarification of Affirmative Defense for Certain Excess Emissions

Chapter 101
General Air Quality Rules
Subchapter F

1. Purpose. This change transmittal provides the pages that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
2. Explanation of Change. On November 2, 2016, the commission adopted amendments to §101.222. Section 101.222 was adopted *with change* to the proposed text as published in the July 22 2016, issue of the *Texas Register* (41 TexReg 5343) and was republished.
3. Effects of Change. The adopted rulemaking clarifies that the commission's affirmative defense provisions for certain excess emissions are not intended to limit a federal court's ability to determine appropriate remedies. The applicability of this amendment is delayed until certain events have occurred.