

Effective: April 17, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2013-040-116-AI
HB 788: Greenhouse Gas Permitting

Chapter 39
Public Notice
Subchapter H

Chapter 55
Requests for Reconsideration and Contested Case Hearings; Public Comment
Subchapter F

Chapter 101
General Air Quality Rules
Subchapters A and F

Chapter 106
Permits by Rule
Subchapter A

Chapter 116
Control of Air Pollution by Permits for New Construction or Modification
Subchapters A, B and F

Chapter 122
Federal Operating Permits Program
Subchapters A and B

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 March 26, 2014, the commission adopted the amendments to §§39.411, 39.419, and 39.420; and new §39.412. Section 39.411 was adopted *with change* to the proposed text as proposed in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7845). Sections 39.412, 39.419, and 39.420 were adopted *without changes* to the proposed text and were not republished.

The amended and new sections were submitted to the United States Environmental Protection Agency (EPA) as revisions to the state implementation plan (SIP).

The commission also adopted the amendment to §55.201 *without change* to the proposed text as published in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7860), and was not republished.

The commission also adopted the amendments to §§101.1, 101.10, 101.27, and 101.201.

Section 101.1 was adopted *with change* to the proposed text in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7866). Sections 101.10, 101.27, and 101.201 were adopted *without changes* to the proposed text and were not republished.

Adopted §§101.1, 101.10, and 101.201 were submitted to the EPA as revisions to the SIP.

The commission also adopted the amendments to §106.2 and §106.4. Section 106.4 was adopted *with change* to the proposed text as published in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7886). Section 106.2 was adopted *without change* to the proposed text and was not republished.

The adopted amendments to §106.2 and §106.4 were submitted to the EPA as revisions to the SIP.

The commission also adopted the amendments to §§116.12, 116.111, 116.160, 116.610 and 116.611; and new §116.164, and §116.169.

Sections 116.12, 116.164, 116.169, 116.610, and 116.611 were adopted *with changes* to the proposed text as published in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7892). Sections 116.111 and 116.160 were adopted *without changes* to the proposed text and were not republished.

The commission will submit the amendments to §§116.12, 116.111, 116.160, 116.610 and 116.611; and new §§116.164, and 116.169(a) to the EPA as revisions to the SIP.

The commission also adopted the amendments to §§122.10, 122.122 and 122.130 *with changes* to the proposed text as published in the November 8, 2013, issue of the *Texas Register* (38 TexReg 7912).

The commission will submit §122.122 to the EPA as a revision to the SIP.

3. Effects of Change The adopted rules implement House Bill 788, 83rd Legislature, 2013, which requires that the commission adopt rules for the authorization of emissions of greenhouse gases (GHGs) to the extent required under federal law. The adopted rules establish GHGs thresholds for Title V and Prevention of Significant Deterioration (PSD) permits, clarify how emissions of GHGs are

addressed in the emissions inventory and emissions fee rules, specify that GHG PSD permit applications are not subject to requirements regarding a contested case hearing, and specify that GHGs do not have a reportable quantity (RQ) for emissions event reporting purposes. The adopted rules also address a rulemaking petition from 3M Company to establish an RQ of 5,000 pounds for C6 Fluoroketone, a fire protection fluid.