

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Rulemaking Adoption

**AGENDA REQUESTED:** December 14, 2022

**DATE OF REQUEST:** November 22, 2022

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Gwen Ricco, Rule/Agenda Coordinator, (512) 239-2678

**CAPTION: Docket No. 2021-1456-RUL.** Consideration of the adoption of amendments to 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C, National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR Part 63).

The rulemaking adoption will incorporate by reference revisions adopted by the United States Environmental Protection Agency to Maximum Achievable Control Technology and Generally Available Control Technology standards. The proposed rules were published in the July 15, 2022, issue of the *Texas Register* (47 TexReg 4072). (Melanie Nelon, Terry Salem; Rule Project No. 2022-005-113-AI)

Samuel Short  
\_\_\_\_\_  
**Acting Director**

Samuel Short  
\_\_\_\_\_  
**Division Deputy Director**

Gwen Ricco  
\_\_\_\_\_  
**Agenda Coordinator**

Copy to CCC Secretary? NO  YES

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** November 22, 2022

**Thru:** Laurie Gharis, Chief Clerk  
Toby Baker, Executive Director

**From:** Samuel Short, Acting Director  
Office of Air

**Docket No.:** 2021-1456-RUL

**Subject** Commission Approval for Rulemaking Adoption  
Chapter 113, Standards of Performance for Hazardous Air Pollutants and for  
Designated Facilities and Pollutants  
Maximum Achievable Control Technology and Generally Available Control  
Technology Standards Update  
Rule Project No. 2022-005-113-AI

**Background and reason(s) for the rulemaking:**

The Texas Commission on Environmental Quality (TCEQ or commission) administers federal regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) by incorporating these regulations by reference into Chapter 113, Subchapter C, of the Texas Administrative Code. The United States Environmental Protection Agency (EPA) has amended several Maximum Achievable Control Technology (MACT) and Generally Available Control Technology (GACT) standards since Chapter 113, Subchapter C was last amended in 2016.

Under the Federal Clean Air Act (FCAA), the EPA is required to periodically conduct risk assessments on each source category and determine if changes are needed to reduce residual risks or address developments in applicable control technology. The EPA conducted the risk assessment and incorporated necessary changes in the *Federal Register* rule titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act." These amendments implement the plain language reading of section 112 of the FCAA that allows a "major source" of hazardous air pollutants (HAP) to reclassify as an "area source" at any time after acting to limit emissions. These amendments also codify the EPA's January 25, 2018 Major MACT to Area (MM2A) policy memorandum that reversed the 1995 "Once In, Always In" policy, which made all major source designations permanent regardless of whether emission reductions lowered facility emissions of HAP to less than major source thresholds.

The amendments also clarify and update work practice standards, compliance dates, recordkeeping, monitoring, reporting, and notification, including electronic notification.

TCEQ should incorporate the amended standards into Chapter 113, Subchapter C to avoid inconsistency between federal and state requirements; to allow the commission to enforce the most current MACT and GACT standards prior to receiving formal delegation of the amended standards; to facilitate delegation of the amended MACT standards from the EPA; and to maintain existing delegation.

**Scope of the rulemaking:**

Since Chapter 113 was last updated, the EPA has promulgated amendments to 113 MACT and GACT standards. A table showing the amended standards which are expected to be covered in this rulemaking is attached. This rule package will incorporate the amended MACT and GACT standards by reference into Chapter 113, Subchapter C.

Re: Docket No. 2021-1456-RUL

**A.) Summary of what the rulemaking will do:**

The rulemaking adoption will incorporate by reference changes made by the EPA to MACT and GACT standards. The amendments to Chapter 113, Subchapter C will avoid any inconsistencies between federal and state requirements.

**B.) Scope required by federal regulations or state statutes:**

The adopted amendments to Chapter 113, Subchapter C are necessary to make commission rules relating to NESHAP for source categories consistent with EPA guidance and regulations (40 CFR Part 63).

**C.) Additional staff recommendations that are not required by federal rule or state statute:**

Staff recommends additional minor rule revisions throughout Chapter 113, Subchapter C to make various administrative corrections to be consistent with Chapter 113 and federal rule titles.

**Statutory authority:**

The rulemaking will be adopted under Texas Health and Safety Code, Texas Clean Air Act:

- §382.002, Policy and Purpose;
- §382.011, General Powers and Duties;
- §382.012, State Air Control Plan;
- §382.015, Power to Enter Property;
- §382.016, Monitoring Requirements; Examination of Records;
- §382.017, Rules;
- §382.022, Investigations; and
- §382.051, Permitting Authority of Commission; Rules.

The amended sections will also be adopted under the commission's general authority under Texas Water Code:

- §5.102, General Powers;
- §5.103, Rules;
- §5.105, General Policy; and
- §7.002, Enforcement Authority.

**Effect on the:**

**A.) Regulated community:** Many industries are subject to MACT or GACT standards. However, the adopted changes to Chapter 113 do not impose an additional burden on those industries because they are required to comply with the standards regardless of whether the commission or the EPA is the implementing authority. Sources that are subject to the amended sections of Chapter 113 and have a Title V operating permit will need to revise their permit to include the applicable Chapter 113 rule citations.

**B.) Public:** This rulemaking will allow Texas to enforce the most current MACT and GACT standards, resulting in greater compliance and continued protection of human health and the environment.

**C.) Agency programs:** The Air Permits Division will need to incorporate some of the amended MACT and GACT standards into new and revised Title V operating permits.

**Stakeholder meetings:**

No stakeholder meetings were held for this rulemaking; however, the adopted rule changes underwent the required 30-day public comment period and public hearing.

Re: Docket No. 2021-1456-RUL

**Public comment:**

The commission offered a public hearing on August 11, 2022. The comment period closed on August 15, 2022. One written comment was received from an individual who expressed concern about El Paso ozone. No suggested changes to the proposed rules were received. Accordingly, no rule changes were made based on the comment.

**Significant changes from proposal:**

In the proposed Chapter 113 rulemaking, the commission solicited comment on the possibility of incorporating amendments that EPA was expected to adopt in the near future, specifically, after the Chapter 113 proposal documents were developed. No adverse comments on this proposed approach were received.

In the time since the rulemaking was proposed, EPA issued amendments to 40 CFR Part 63, Subpart A, General Provisions; Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; and Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Cell Chlor-Alkali Plants. The Chapter 113 rule language has been revised to include these recent amendments, so that the rules incorporated into Chapter 113 are as current as possible.

**Potential controversial concerns and legislative interest:** None.

**Will this rulemaking affect any current policies or require development of new policies?** No.

**What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?** If this rulemaking is not completed, TCEQ will not receive formal delegation of the amended standards, and the EPA will be the implementing authority for those regulations. Furthermore, failure to incorporate the amended standards may create potential issues with approval of Texas' Title V Operating Permit Program.

**Key points in the adoption rulemaking schedule:**

*Texas Register* proposal publication date: July 15, 2022

Anticipated *Texas Register* adoption publication date: December 30, 2022

Anticipated effective date: January 5, 2023

Six-month *Texas Register* filing deadline: January 15, 2023

**Agency contacts:**

Melanie Nelon, Rule Project Manager, Air Permits Division, (512) 239-1350

Terry Salem, Staff Attorney, (512) 239-0469

Gwen Ricco, Texas Register Rule/Agenda Coordinator, (512) 239-2678

**Attachments:**

Table - Amended MACT and GACT Standards and Corresponding Chapter 113 Sections

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Jim Rizk  
Morgan Johnson  
Krista Kyle  
Office of General Counsel  
Melanie Nelon  
Terry Salem  
Gwen Ricco

Re: Docket No. 2021-1456-RUL

## Amended MACT and GACT Standards and Corresponding Chapter 113 Sections

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
A (§113.100)	General Provisions (40 Code of Federal Regulations Part 63, Subpart A)
C (§113.106)	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C)
F (§113.110)	Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F)
G (§113.120)	Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G)
H (§113.130)	Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H)
L (§113.170)	Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L)
M (§113.180)	Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M)
N (§113.190)	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N)
O (§113.200)	Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O)
Q (§113.220)	Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q)
R (§113.230)	Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63, Subpart R)
S (§113.240)	Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S)
T (§113.250)	Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T)
U (§113.260)	Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U)
W (§113.280)	Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W)
X (§113.290)	Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X)
Y (§113.300)	Marine Vessel Loading (40 Code of Federal Regulations Part 63, Subpart Y)
AA (§113.320)	Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA)
BB (§113.330)	Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB)
CC (§113.340)	Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC)

Re: Docket No. 2021-1456-RUL

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
DD (§113.350)	Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD)
EE (§113.360)	Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE)
GG (§113.380)	Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG)
HH (§113.390)	Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH)
II (§113.400)	Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II)
JJ (§113.410)	Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ)
KK (§113.420)	Printing and Publishing (40 Code of Federal Regulations Part 63, Subpart KK)
LL (§113.430)	Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL)
MM (§113.440)	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfit, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 63, Subpart MM)
SS (§113.500)	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS)
XX (§113.550)	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX)
YY (§113.560)	Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)
CCC (§113.600)	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC)
DDD (§113.610)	Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD)
EEE (§113.620)	Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE)
GGG (§113.640)	Pharmaceuticals Production (40 Code of Federal Regulations Part 63, Subpart GGG)
HHH (§113.650)	Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH)
III (§113.660)	Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III)
JJJ (§113.670)	Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ)
LLL (§113.690)	Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL)
MMM (§113.700)	Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM)
NNN (§113.710)	Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN)

Re: Docket No. 2021-1456-RUL

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
OOO (§113.720)	Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO)
PPP (§113.730)	Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP)
QQQ (§113.740)	Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ)
RRR (§113.750)	Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR)
TTT (§113.770)	Primary Lead Processing (40 Code of Federal Regulations Part 63, Subpart TTT)
UUU (§113.780)	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU)
VVV (§113.790)	Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV)
XXX (§113.810)	Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX)
AAAA (§113.840)	Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA)
CCCC (§113.860)	Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC)
DDDD (§113.870)	Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD)
EEEE (§113.880)	Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE)
FFFF (§113.890)	Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF)
GGGG (§113.900)	Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG)
HHHH (§113.910)	Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH)
IIII (§113.920)	Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII)
JJJJ (§113.930)	Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ)
KKKK (§113.940)	Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK)
MMMM (§113.960)	Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM)
NNNN (§113.970)	Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN)
OOOO (§113.980)	Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO)
PPPP (§113.990)	Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP)
QQQQ (§113.1000)	Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ)
RRRR (§113.1010)	Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR)

Re: Docket No. 2021-1456-RUL

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
SSSS (§113.1020)	Surface Coating of Metal Coil (40 CFR 63, Subpart SSSS)
TTTT (§113.1030)	Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT)
UUUU (§113.1040)	Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU)
VVVV (§113.1050)	Boat Manufacturing (40 CFR 63, Subpart VVVV)
WWWW (§113.1060)	Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW)
XXXX (§113.1070)	Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX)
YYYY (§113.1080)	Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY)
ZZZZ (§113.1090)	Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)
AAAAA (§113.1100)	Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA)
BBBBB (§113.1110)	Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBBB)
CCCCC (§113.1120)	Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC)
DDDDD (§113.1130)	Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD)
EEEEE (§113.1140)	Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE)
FFFFF (§113.1150)	Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF)
GGGGG (§113.1160)	Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG)
HHHHH (§113.1170)	Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH)
IIIII (§113.1180)	Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIIII)
JJJJJ (§113.1190)	Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)
KKKKK (§113.1200)	Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK)
LLLLL (§113.1210)	Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL)
MMMMM (§113.1220)	Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM)
NNNNN (§113.1230)	Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN)
PPPPP (§113.1250)	Engine Test Cells/Stands (40 Code of Federal Regulations Part 63, Subpart PPPPP)
QQQQQ (§113.1260)	Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart QQQQQ)



Re: Docket No. 2021-1456-RUL

40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title
RRRRR (§113.1270)	Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR)
SSSSS (§113.1280)	Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS)
TTTTT (§113.1290)	Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT)
UUUUU (§113.1300)	Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU)
WWWWW (§113.1320)	Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWW)
ZZZZZ (§113.1350)	Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZZ)
BBBBBB (§113.1370)	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBB)
CCCCCC (§113.1380)	Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)
HHHHHH (§113.1425)	Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH)
JJJJJ (§113.1435)	Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJ)
MMMMMM (§113.1450)	Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMM)
OOOOO (§113.1460)	Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOO)
PPPPPP (§113.1465)	Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPPP)
QQQQQQ (§113.1470)	Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ)
RRRRRR (§113.1475)	Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR)
TTTTTT (§113.1485)	Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT)
WWWWWW (§113.1500)	Plating and Polishing Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)
XXXXXX (§113.1505)	Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)
YYYYYY (§113.1510)	Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY)
AAAAAAA (§113.1520)	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAA)
BBBBBBB (§113.1525)	Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBBB)
CCCCCCC (§113.1530)	Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)

Re: Docket No. 2021-1456-RUL

<b>40 CFR Part 63 Subpart (Chapter 113 Section)</b>	<b>Section Title</b>
HHHHHHH (§113.1555)	Polyvinyl Chloride and Copolymers Production Major Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHHH)

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts amendments to §§113.100, 113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.840, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, and 113.1555.

The amendments to §§113.100, 113.840, 113.1090, and 113.1180 are adopted *with changes* to the proposed text as published in the July 15, 2022, issue of the *Texas Register* (47 TexReg 4072) and, therefore, will be republished. The amendments to §§113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330,

113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, and 113.1555 are adopted *without changes* and will not be republished.

### **Background and Summary of the Factual Basis for the Adopted Rules**

The rulemaking adoption will revise Chapter 113 to incorporate by reference changes that the United States Environmental Protection Agency (EPA) has made to a number of existing National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, under 40 Code of Federal Regulations (CFR) Part 63 as published through August 10, 2022.

The Federal Clean Air Act (FCAA) Amendments of 1990, §112, require the EPA to develop national technology-based standards for new and existing sources of

hazardous air pollutants (HAP). The compounds which are considered to be HAP are listed in FCAA, §112(b). These technology-based standards intended to control HAP emissions are commonly called maximum achievable control technology (MACT) and generally available control technology (GACT) standards. The MACT standards are required to be based on the maximum degree of emission control that is achievable, taking into consideration cost and any non-air quality health and environmental impacts and energy requirements. GACT standards reflect a less stringent level of control (relative to MACT) and are intended to be applied to non-major sources of HAP, known as area sources. The EPA has the option to apply either MACT or GACT to area sources, at their discretion.

The rulemaking adoption will incorporate amendments the EPA promulgated to 113 existing MACT and GACT standards for a variety of source categories. Many of the standards covered in this rulemaking were amended by the EPA as a result of FCAA requirements that the EPA periodically conduct risk assessments on each source category and determine if changes are needed to reduce residual risks or address developments in applicable control technology. The EPA conducted the risk assessment and incorporated necessary changes in the November 19, 2020, *Federal Register* (FR) rule titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," also known as the "final MM2A rule." These amendments implement the plain language reading of section 112 of the FCAA that allows a "major source" of HAP to reclassify as an "area source" at any time after acting

to limit emissions below the qualifying threshold. These amendments also codify the EPA's January 25, 2018, Major MACT to Area (MM2A) policy memorandum that reversed the 1995 "Once In, Always In" policy, which made all major source designations permanent regardless of whether emission reductions lowered facility emissions of HAP to less than major source thresholds. This final action included amendments to the 40 CFR Part 63, Subpart A, General Provisions, applicability tables contained within most subparts of 40 CFR Part 63 to add a reference to the new provision in 40 CFR §63.1(c)(6) concerning reclassification. Also, there are revisions to several NESHAP subparts by removing the date limitation after which a major source cannot become an area source. The amendments also clarify and update work practice standards, compliance dates, recordkeeping, monitoring, reporting, and notification, including electronic notification. Some standards were also revised by the EPA in order to remove startup, shutdown, and malfunction (SSM)-related affirmative defense provisions, which were vacated in *Sierra Club v. Environmental Protection Agency*, 551 F. 3d 1019 (D.C. Cir. 2008).

Under federal law, affected industries are required to implement the MACT and GACT standards regardless of whether the commission or the EPA is the agency responsible for implementation. As MACT and GACT standards are promulgated or amended by the EPA, the standards are reviewed by commission staff for compatibility with current commission regulations and policies. The commission then incorporates the standards, as appropriate, into Chapter 113 through formal rulemaking procedures. Unless

otherwise noted, all incorporations by reference adopted in this rulemaking are without change (meaning that the standards are incorporated as published in the CFR, with no modifications to the text of the regulation being incorporated). After each MACT or GACT standard or amendment is adopted, the commission will seek formal delegation from the EPA under 40 CFR Part 63, Subpart E, Approval of State Programs and Delegation of Federal Authorities, which implements FCAA, §112(l). Upon delegation, the commission will be responsible for administering and enforcing the MACT or GACT requirements.

The commission adopts the following amendments that the EPA has made to the 40 CFR Part 63, General Provisions, List of HAP, and the federal MACT and GACT standards previously delegated and incorporated into the commission rules, by updating the FR citations and publication dates stated in the commission rules, as discussed more specifically in the Section by Section Discussion in this preamble. The 113 amended NESHAP that were delegated by the EPA effective March 13, 2018, along with their corresponding Chapter 113 sections and latest incorporation dates, are listed in the following table (Figure: 30 TAC Chapter 113 - Preamble).

Figure: 30 TAC Chapter 113 - Preamble

<p align="center"><b>Latest EPA Delegation</b>  <b>National Emission Standards for Hazardous Air Pollutants (NESHAP)</b>  <i>Effective March 13, 2018, published January 12, 2018</i>            (83 FR 1559)</p>			
40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	NESHAP Incorporated by Reference through <i>Federal Register</i> date and cite	<i>Latest</i> Incorporation (Commission Adoption)
A (§113.100)	General Provisions (40 Code of Federal Regulations Part 63, Subpart A)	December 4, 2015 (80 FR 75817)	December 7, 2016
C (§113.106)	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C)	December 19, 2005 (70 FR 75057)	December 5, 2007
F (§113.110)	Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F)	December 21, 2006 (71 FR 76614)	December 5, 2007



G (§113.120)	Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G)	February 27, 2014 (79 FR 11228)	December 7, 2016
H (§113.130)	Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H)	December 22, 2008 (73 FR 78199)	July 26, 2013
L (§113.170)	Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L)	April 20, 2006 (71 FR 20446)	December 5, 2007
M (§113.180)	Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M)	July 11, 2008 (73 FR 39871)	July 26, 2013
N (§113.190)	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N)	February 27, 2014 (79 FR 11228)	December 7, 2016

O (§113.200)	Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O)	February 27, 2014 (79 FR 11228)	December 7, 2016
Q (§113.220)	Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q)	April 7, 2006 (71 FR 17738)	December 5, 2007
R (§113.230)	Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63, Subpart R)	December 22, 2008 (73 FR 78199)	July 26, 2013
S (§113.240)	Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S)	September 11, 2012 (77 FR 55698)	July 26, 2013
T (§113.250)	Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T)	May 3, 2007 (72 FR 25138)	December 5, 2007
U (§113.260)	Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U)	April 21, 2011 (76 FR 22566)	July 26, 2013
W (§113.280)	Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W)	April 20, 2006 (71 FR 20446)	December 5, 2007

X (§113.290)	Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X)	January 3, 2014 (79 FR 367)	December 7, 2016
Y (§113.300)	Marine Vessel Loading (40 Code of Federal Regulations Part 63, Subpart Y)	December 1, 2015 (80 FR 75178)	December 7, 2016
AA (§113.320)	Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA)	August 19, 2015 (80 FR 50386)	December 7, 2016
BB (§113.330)	Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB)	August 19, 2015 (80 FR 50386)	December 7, 2016
CC (§113.340)	Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC)	July 13, 2016 (81 FR 45232)	December 7, 2016
DD (§113.350)	Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD)	March 18, 2015 (80 FR 14248)	December 7, 2016
EE (§113.360)	Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE)	June 23, 2003 (68 FR 37352)	May 25, 2005

GG (§113.380)	Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG)	August 3, 2016 (81 FR 51114)	December 7, 2016
HH (§113.390)	Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH)	August 16, 2012 (77 FR 49490)	July 26, 2013
II (§113.400)	Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II)	November 21, 2011 (76 FR 72050)	July 26, 2013
JJ (§113.410)	Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ)	November 21, 2011 (76 FR 72050)	July 26, 2013
KK (§113.420)	Printing and Publishing (40 Code of Federal Regulations Part 63, Subpart KK)	April 21, 2011 (76 FR 22566)	July 26, 2013
LL (§113.430)	Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL)	October 15, 2015 (80 FR 62390)	December 7, 2016

MM (§113.440)	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 63, Subpart MM)	April 20, 2006 (71 FR 20446)	December 5, 2007
SS (§113.500)	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS)	April 20, 2006 (71 FR 20446)	December 5, 2007
XX (§113.550)	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX)	April 13, 2005 (70 FR 19266)	December 5, 2007
YY (§113.560)	Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)	October 8, 2014 (79 FR 60898)	December 7, 2016
CCC (§113.600)	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC)	September 19, 2012 (77 FR 58220)	July 26, 2013

DDD (\$113.610)	Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD)	July 29, 2015 (80 FR 45280)	December 7, 2016
EEE (\$113.620)	Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE)	October 28, 2008 (73 FR 64068)	July 26, 2013
GGG (\$113.640)	Pharmaceuticals Production (40 Code of Federal Regulations Part 63, Subpart GGG)	February 27, 2014 (79 FR 11228)	December 7, 2016
HHH (\$113.650)	Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH)	August 16, 2012 (77 FR 49490)	July 26, 2013
III (\$113.660)	Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III)	August 15, 2014 (79 FR 48073)	December 7, 2016
JJJ (\$113.670)	Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ)	March 27, 2014 (79 FR 17340)	December 7, 2016
LLL (\$113.690)	Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL)	July 25, 2016 (81 FR 48356)	December 7, 2016

MMM (\$113.700)	Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM)	March 27, 2014 (79 FR 17340)	December 7, 2016
NNN (\$113.710)	Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN)	July 29, 2015 (80 FR 45280)	December 7, 2016
OOO (\$113.720)	Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO)	October 8, 2014 (79 FR 60898)	December 7, 2016
PPP (\$113.730)	Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP)	March 27, 2014 (79 FR 17340)	December 7, 2016
QQQ (\$113.740)	Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ)	April 20, 2006 (71 FR 20446)	December 5, 2007
RRR (\$113.750)	Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR)	June 13, 2016 (81 FR 38085)	December 7, 2016
TTT (\$113.770)	Primary Lead Processing (40 Code of Federal Regulations Part 63, Subpart TTT)	November 15, 2011 (76 FR 70834)	July 26, 2013

UUU (\$113.780)	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU)	July 13, 2016 (81 FR 45232)	December 7, 2016
VVV (\$113.790)	Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV)	December 22, 2008 (73 FR 78199)	July 26, 2013
XXX (\$113.810)	Ferrous Alloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX)	June 30, 2015 (80 FR 37366)	December 7, 2016
AAAA (\$113.840)	Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA)	April 20, 2006 (71 FR 20446)	December 5, 2007
CCCC (\$113.860)	Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC)	February 27, 2014 (79 FR 12228)	December 7, 2016
DDDD (\$113.870)	Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD)	October 29, 2007 (72 FR 61060)	December 5, 2007



EEEE (\$113.880)	Organic Liquids Distribution (Non- Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE)	December 22, 2008 (73 FR 78199)	July 26, 2013
FFFF (\$113.890)	Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF)	December 22, 2008 (73 FR 78199)	July 26, 2013
GGGG (\$113.900)	Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG)	April 20, 2006 (71 FR 20446)	December 5, 2007
HHHH (\$113.910)	Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH)	April 20, 2006 (71 FR 20446)	December 5, 2007
IIII (\$113.920)	Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII)	April 24, 2007 (72 FR 20227)	December 5, 2007
JJJJ (\$113.930)	Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ)	May 24, 2006 (71 FR 29792)	December 5, 2007
KKKK (\$113.940)	Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK)	April 20, 2006 (71 FR 20446)	December 5, 2007

MMMM (\$113.960)	Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM)	December 22, 2006 (71 FR 76927)	December 5, 2007
NNNN (\$113.970)	Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN)	April 20, 2006 (71 FR 20446)	December 5, 2007
OOOO (\$113.980)	Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO)	May 24, 2006 (71 FR 29792)	December 5, 2007
PPPP (\$113.990)	Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP)	April 24, 2007 (72 FR 20227)	December 5, 2007
QQQQ (\$113.1000)	Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ)	April 20, 2006 (71 FR 20446)	December 5, 2007
RRRR (\$113.1010)	Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR)	April 20, 2006 (71 FR 20446)	December 5, 2007
SSSS (\$113.1020)	Surface Coating of Metal Coil (40 CFR 63, Subpart SSSS)	March 17, 2003 (68 FR 12590)	June 18, 2003
TTTT (\$113.1030)	Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT)	February 7, 2005 (70 FR 6355)	December 5, 2007

UUUU (\$113.1040)	Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU)	February 27, 2014 (79 FR 11228)	December 7, 2016
VVVV (\$113.1050)	Boat Manufacturing (40 CFR 63, Subpart VVVV)	October 3, 2001 (66 FR 50504)	June 18, 2003
WWWW (\$113.1060)	Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW)	April 20, 2006 (71 FR 20446)	December 5, 2007
XXXX (\$113.1070)	Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX)	April 20, 2006 (71 FR 20446)	December 5, 2007
YYYY (\$113.1080)	Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY)	April 20, 2006 (71 FR 20446)	December 5, 2007
ZZZZ (\$113.1090)	Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)	February 27, 2014 (79 FR 11228)	December 7, 2016
AAAAA (\$113.1100)	Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA)	April 20, 2006 (71 FR 20446)	December 5, 2007
BBBBB (\$113.1110)	Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBB)	July 22, 2008 (73 FR 42529)	July 26, 2013

CCCCC (\$113.1120)	Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC)	April 20, 2006 (71 FR 20446)	December 5, 2007
DDDDD (\$113.1130)	Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD)	November 20, 2015 (80 FR 72790)	December 7, 2016
EEEEEE (\$113.1140)	Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE)	February 7, 2008 (73 FR 7210)	July 26, 2013
FFFFFF (\$113.1150)	Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF)	July 13, 2006 (71 FR 39579)	December 5, 2007
GGGGG (\$113.1160)	Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG)	December 22, 2008 (73 FR 78199)	July 26, 2013
HHHHH (\$113.1170)	Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH)	December 22, 2008 (73 FR 78199)	July 26, 2013
IIIII (\$113.1180)	Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIIII)	April 20, 2006 (71 FR 20446)	December 5, 2007

JJJJJ (\$113.1190)	Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)	October 26, 2015 (80 FR 65470)	December 7, 2016
KKKKK (\$113.1200)	Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK)	December 4, 2015 (80 FR 75817)	December 7, 2016
LLLLL (\$113.1210)	Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL)	April 20, 2006 (71 FR 20446)	December 5, 2007
MMMMM (\$113.1220)	Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM)	April 20, 2006 (71 FR 20446)	December 5, 2007
NNNNN (\$113.1230)	Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN)	April 20, 2006 (71 FR 20446)	December 5, 2007
PPPPP (\$113.1250)	Engine Test Cells/Stands (40 Code of Federal Regulations Part 63, Subpart PPPPP)	April 20, 2006 (71 FR 20446)	December 5, 2007
QQQQQ (\$113.1260)	Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart QQQQQ)	April 20, 2006 (71 FR 20446)	December 5, 2007

RRRRR (\$113.1270)	Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR)	April 20, 2006 (71 FR 20446)	December 5, 2007
SSSSS (\$113.1280)	Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS)	April 20, 2006 (71 FR 20446)	December 5, 2007
TTTTT (\$113.1290)	Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT)	April 20, 2006 (71 FR 20446)	December 5, 2007
UUUUU (\$113.1300)	Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU)	April 6, 2016 (81 FR 20172)	December 7, 2016
WWWWW (\$113.1320)	Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWW)	December 28, 2007 (72 FR 73611)	July 26, 2013
ZZZZZ (\$113.1350)	Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZZ)	January 2, 2008 (73 FR 226)	July 26, 2013
BBBBBB (\$113.1370)	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBB)	January 24, 2011 (76 FR 4156)	July 26, 2013

CCCCC (\$113.1380)	Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCC)	January 24, 2011 (76 FR 4156)	July 26, 2013
HHHHH (\$113.1425)	Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHH)	February 13, 2008 (73 FR 8408)	July 26, 2013
JJJJJ (\$113.1435)	Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJ)	February 1, 2013 (78 FR 7488)	July 26, 2013
MMMMM (\$113.1450)	Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMM)	March 26, 2008 (73 FR 15923)	July 26, 2013
OOOOO (\$113.1460)	Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOO)	March 26, 2008 (73 FR 15923)	July 26, 2013
PPPPP (\$113.1465)	Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPP)	March 26, 2008 (73 FR 15923)	July 26, 2013

QQQQQQ (\$113.1470)	Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ)	March 26, 2008 (73 FR 15923)	July 26, 2013
RRRRRR (\$113.1475)	Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR)	December 26, 2007 (72 FR 73180)	July 26, 2013
TTTTTT (\$113.1485)	Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT)	December 26, 2007 (72 FR 73180)	July 26, 2013
WWWWWW (\$113.1500)	Plating and Polishing Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)	September 19, 2011 (76 FR 57913)	July 26, 2013
XXXXXX (\$113.1505)	Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)	July 23, 2008 (73 FR 42978)	July 26, 2013
YYYYYY (\$113.1510)	Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY)	December 23, 2008 (73 FR 78637)	July 26, 2013



AAAAAAA (\$113.1520)	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAAA)	March 18, 2010 (75 FR 12988)	July 26, 2013
BBBBBBB (\$113.1525)	Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBBB)	December 30, 2009 (74 FR 69194)	July 26, 2013
CCCCCC (\$113.1530)	Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)	June 3, 2010 (75 FR 31317)	July 26, 2013
HHHHHHH (\$113.1555)	Polyvinyl Chloride and Copolymers Production Major Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHHH)	April 17, 2012 (77 FR 22848)	July 26, 2013

The EPA is continually in the process of revising 40 CFR Part 63, MACT and GACT regulations, and the EPA adopted additional changes to certain standards, which were published too recently to be specifically addressed in the proposal documents for this rulemaking. In the proposal preamble, the commission provided notice that in addition to the changes specifically described in the Section by Section Discussion portion of the proposal preamble, the commission would consider the incorporation by reference (IBR) of any final amendments made by the EPA after the date the revisions to Chapter

113 were proposed. Accordingly, in this adoption, the commission has included certain 2022 amendments to 40 CFR Part 63, Subparts A, ZZZZ, and IIII, which were published by the EPA after March 9, 2022. These recent amendments were generally corrections, clarifications, or updates to compliance dates, work practices, and monitoring and emission standards. It is administratively more efficient to include these amendments and ensure that Chapter 113, Subchapter C, is as up-to-date as possible, than to address these amendments separately in a later rulemaking. These amendments are discussed further in the appropriate Section by Section Discussion of this preamble.

### **Section by Section Discussion**

Throughout this section, the FR citations reference the first page of the notices and the accompanying publication dates.

#### *§113.100, General Provisions (40 Code of Federal Regulations Part 63, Subpart A)*

The commission adopts amendments to §113.100 by incorporating by reference all amendments to 40 CFR Part 63, Subpart A, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart A, on August 30, 2016 (81 FR 59800); November 14, 2018 (83 FR 56713); July 17, 2019 (84 FR 34067); August 23, 2019 (84 FR 44225); July 6, 2020 (85 FR 40386); October 7, 2020 (85 FR 63394); November 19, 2020 (85 FR 73854); March 11, 2021 (86 FR 13819); November 19, 2021 (86 FR 66038), (86 FR 66045), and (86 FR 66096); and May 23, 2022 (87 FR 31185). The

May 23, 2022, update was added after proposal, as discussed elsewhere in this preamble.

The August 30, 2016, amendments revised 40 CFR §63.7(c)(2)(iii)(A) to add Methods 30A and 30B to the list of methods not requiring the use of audit samples. The amendments also revised 40 CFR §63.7(g)(2) to require the reporting of specific emissions test data in test reports, to modify the list of data elements to provide clarity, and to define and limit the extent of elements reported for each test method included in a test report. Additionally, the amendments revised Appendix A of 40 CFR Part 63, Method 320, §§13.1, 13.4, and 13.4.1 to indicate the correct Method 301 reference.

The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions to improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, 40 CFR §§63.7(g)(2), 63.7(g)(2)(v), and 63.8(e)(5)(i) were revised to require the reporting of specific test data for continuous monitoring system performance evaluation tests and ongoing quality assurance tests. These data elements are required in electronic and paper reports. These modifications ensure that performance evaluation and quality assurance test reporting include all data necessary for the compliance authority to assess and assure

the quality of the reported data and that the reported information describes and identifies the specific unit covered by the evaluation test report.

The July 17, 2019, amendment revised 40 CFR §63.13(a) to change the address for EPA's Region I office for submitting certain air program reports to the EPA Region I states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont once the state is delegated. Although the change in the EPA's Region I mailing address does not affect states in EPA Region VI such as Texas, it is administratively more efficient to include this amendment than to specifically exclude it. The August 23, 2019, amendment revised 40 CFR §63.13(a) to reflect a change in address and organization name for EPA's Region 6 office, which includes Texas.

The July 6, 2020, amendments revised 40 CFR §63.14, Incorporation by Reference, by revising, redesignating, and adding paragraphs to update regulations based on the corresponding revisions to the Ethylene Production source category regulated under the NESHAP.

The October 7, 2020, amendments corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures to provide flexibility to testers. Specifically, 40 CFR §63.2 revised the definition of "alternative test method" to exclude "a test method in this chapter" because this

clarified that use of methods other than those required by a specific subpart required the alternative test method review and approval process.

The November 19, 2020, amendments finalized revisions to the General Provisions that apply to NESHAP regulations in 40 CFR Part 63, Subpart A. The amendments altered 40 CFR §63.1, the applicability section, to explicitly state that a major source may become an area source at any time upon reducing potential to emit to below the major source thresholds of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP. Specifically, the amendments added 40 CFR §63.1(c)(6), which includes a major source reclassifying to area source status remains subject to any applicable major source NESHAP requirements until the reclassification becomes effective. This section also clarified that sources may move from major to area source, then back to major again. The amendment to 40 CFR §63.2 included an interim ministerial revision to the definition "potential to emit" by removing the word "federally" from the phrase "federally enforceable." This interim ministerial revision is consistent with the court decision in *National Mining Association (NMA) v. EPA*, 59 F.3d 1351, 1363-1365 (D.C. Cir. 1995) that directed EPA to explain how federal enforceability enhanced effectiveness. This revision is also consistent with the EPA's long-standing policy that allows for any physical or operational limitation on the capacity of the stationary source to emit a pollutant to be treated as part of the source's design if the limitation or the effect it will have on emissions is, first, either federally enforceable or legally enforceable by a state or local permitting authority and, second, practicably

enforceable. Also, amendments to this subpart clarified compliance dates, notification, and recordkeeping and reporting, including electronic reporting.

The March 11, 2021, amendments reflect a court order regarding the General Provisions for NESHAP issued on December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions in the General Provisions that exempted sources from HAP nonopacity and opacity emission standards during periods of SSM. The court held that under the FCAA, emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement. This ministerial action revises these two NESHAP General Provisions in the CFR to conform to the court's order. Specifically, this rule is amending the CFR to reflect the 2008 court decision in *Sierra Club v. EPA* vacating 40 CFR §63.6(f)(1) and (h)(1). Removal of the two SSM exemptions in the General Provisions of the NESHAP at 40 CFR §63.6(f)(1) and (h)(1) has no legal effect beyond fulfilling the court's vacatur in *Sierra Club v. EPA*, 551 F. 3d 1019 (D.C. Cir. 2008) and is ministerial in nature. The court issued the mandate for its decision on October 16, 2009, at which point the vacatur became effective.

The November 19, 2021, amendments in 86 FR 66038 revised 40 CFR §63.14(n)(1) to correct publishing date of reference materials for use with 40 CFR §§63.3130(c), 63.3161(d) and (g), 63.3165(e), and Appendix A of 40 CFR Part 63, Subpart III. The November 19, 2021, amendments included in 86 FR 66045 revised 40 CFR §63.14 to

incorporate by reference revised paragraphs, redesignated paragraphs, and added new paragraph regarding reference materials and test methods for use with 40 CFR Part 63, Subpart SSSSS. The November 19, 2021, amendments in 86 FR 66096 revised 40 CFR §63.14 to incorporate various test methods for use with 40 CFR Part 63, Subpart YY. (Editorial Notes: At 86 FR 66062, (cited as 86 FR 66045), and at 86 FR 66121, (cited as 86 FR 66096), November 19, 2021, in §63.14, paragraph (h) was amended by redesignating and adding new paragraphs; however, the redesignations and additions could not be performed because (h)(117) and (118) do not exist. These amendments could not be incorporated due to inaccurate amendatory instructions.)

The May 23, 2022, amendments made technical corrections to the General Provisions of the NESHAP (40 CFR Part 63, Subpart A). Specifically, on November 19, 2021, EPA finalized changes to the NESHAPs in two actions. The first rule (86 FR 66045) finalized the Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) RTR. The second rule (86 FR 66096) finalized changes to the Generic MACT standards (40 CFR Part 63, Subpart YY) concerning the Carbon Black Production (major sources) and Cyanide Chemicals Manufacturing RTRs, and the Carbon Black Production Area Sources Technology Review. Both actions incorporated by reference three different test methods. Because the methods were incorporated by reference for the first time and the final rules published on the same date, there was an error in alphanumerically ordering the test methods in 40 CFR §63.14. The ordering and instructions of the

standards in the centralized IBR section were incorrect. Thus, the redesignations and additions of the standards were unable to be published in the CFR.

*§113.106, List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity*

*Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C)*

The commission adopts amendments to §113.106 by incorporating by reference all amendments to 40 CFR Part 63, Subpart C, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart C, on January 5, 2022 (87 FR 393). The January 5, 2022, amendment added the substance 1-bromopropane or 1-BP, also known as n-propyl bromide or nPB (CAS No. 106-94-5), to the list of HAP established under FCAA §112(b)(1).

*§113.110, Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F)*

The commission adopts amendments to §113.110 by incorporating by reference all amendments to 40 CFR Part 63, Subpart F, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart F, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 3 of 40 CFR Part 63, Subpart F, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for



electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.120, Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G)*

The commission adopts amendments to §113.120 by incorporating by reference all amendments to 40 CFR Part 63, Subpart G, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart G, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.151(b)(2)(i)-(iii) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1A of 40 CFR Part 63, Subpart G, by limiting 40 CFR §63.9 notification requirements to applicability, initial notifications, request for extension of compliance, notification that source is subject to special compliance requirements, change of information already provided, and electronic submission of notifications or reports.

*§113.130, Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H)*

The commission adopts amendments to §113.130 by incorporating by reference all amendments to 40 CFR Part 63, Subpart H, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart H, on November 19, 2020 (85 FR

73854). The November 19, 2020, amendments to 40 CFR §63.182(b)(2)(i)-(iii) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 4 of 40 CFR Part 63, Subpart H, by limiting 40 CFR §63.9 notification requirements to applicability, initial notifications, request for extension of compliance, notification that source is subject to special compliance requirements, change of information already provided, and electronic submission of notifications or reports.

*§113.170, Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L)*

The commission adopts amendments to §113.170 by incorporating by reference all amendments to 40 CFR Part 63, Subpart L, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart L, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.311(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified that a source that reclassifies to an area source must follow the notification procedures of 40 CFR §63.9(j) regarding the provision for change in information already provided and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports.

*§113.180, Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M)*

The commission adopts amendments to §113.180 by incorporating by reference all amendments to 40 CFR Part 63, Subpart M, since this section was last amended. During this period, the EPA amended Subpart M on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.324(g) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified that an owner or operator of a dry cleaning facility that reclassifies from a major source to an area source must follow the procedures of 40 CFR §63.9(j) regarding the provision for change in information already provided and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports.

*§113.190, Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N)*

The commission adopts amendments to §113.190 by incorporating by reference all amendments to 40 CFR Part 63, Subpart N, since this section was last amended. During this period, the EPA amended Subpart N on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.347(c)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart N, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the

provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.200, Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O)*

The commission adopts amendments to §113.200 by incorporating by reference all amendments to 40 CFR Part 63, Subpart O, since this section was last amended. During this period, the EPA amended Subpart O on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments, revised Table 1 of 40 CFR §63.360, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.220, Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q)*

The commission adopts amendments to §113.220 by incorporating by reference all amendments to 40 CFR Part 63, Subpart Q, since this section was last amended. During this period, the EPA amended Subpart Q on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.405(a)(1) and (2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart Q, by limiting 40 CFR §63.9, notification requirements, to

applicability; initial notifications; request for extension compliance; notification of compliance status (NOCS); change in information already provided; and electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.230, Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63, Subpart R)*

The commission adopts amendments to §113.230 by incorporating by reference all amendments to 40 CFR Part 63, Subpart R, since this section was last amended. During this period, the EPA amended Subpart R on November 19, 2020 (85 FR 73854) and December 4, 2020 (85 FR 78412). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart R, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 4, 2020, amendments streamlined existing fuel quality regulations, including removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. The amendments revised 40 CFR §63.421 by changing the definitions for "oxygenated gasoline" and "reformulated gasoline" to mean the same as defined in 40 CFR §80.2.

The commission also adopts amendments to the title of §113.230 to "Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (40

Code of Federal Regulations Part 63, Subpart R)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart R.

*§113.240, Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S)*

The commission adopts amendments to §113.240 by incorporating by reference all amendments to 40 CFR Part 63, Subpart S, since this section was last amended. During this period, the EPA amended Subpart S on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised 40 CFR §63.455(a) regarding the provision for the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart S, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.250, Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T)*

The commission adopts amendments to §113.250 by incorporating by reference all amendments to 40 CFR Part 63, Subpart T, since this section was last amended. During this period, the EPA amended Subpart T on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.468(a), (b), (c), and (d) revised the initial notification requirements to no later than 120 calendar days after the source

becomes subject to the relevant NESHAP requirements. The amendments also revised Appendix B of 40 CFR Part 63, Subpart T, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.260, Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U)*

The commission adopts amendments to §113.260 by incorporating by reference all amendments to 40 CFR Part 63, Subpart U, since this section was last amended. During this period, the EPA amended Subpart U on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart U, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.280, Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W)*

The commission adopts amendments to §113.280 by incorporating by reference all amendments to 40 CFR Part 63, Subpart W, since this section was last amended.

During this period, the EPA amended Subpart W on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart W, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. Additionally, the table amendments specified that 40 CFR §63.1(c)(6) and 40 CFR §63.9(k) apply to basic liquid epoxy resins (BLR), wet strength resins (WSR), and WSR alternative standard and BLR equipment leak standard (40 CFR Part 63, Subpart H).

*§113.290, Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X)*

The commission adopts amendments to §113.290 by incorporating by reference all amendments to 40 CFR Part 63, Subpart X, since this section was last amended. During this period, the EPA amended Subpart X on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart X, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.300, Marine Vessel Loading (40 Code of Federal Regulations Part 63, Subpart Y)*

The commission adopts amendments to §113.300 by incorporating by reference all amendments to 40 CFR Part 63, Subpart Y, since this section was last amended. During this period, the EPA amended Subpart Y on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.567(b)(2) and (3) revised the initial



notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR §63.560, Subpart Y, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title of §113.300 to "Marine Tank Vessel Loading Operations" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart Y.

*§113.320, Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA)*

The commission adopts amendments to §113.320 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AA, since this section was last amended. During this period, the EPA amended Subpart AA on September 28, 2017 (82 FR 45193), November 3, 2020 (85 FR 69508), and November 19, 2020 (85 FR 73854). The September 28, 2017, amendments included the EPA's reconsiderations of the residual risk and technology review (RTR) for the Phosphoric Acid Manufacturing source category. In response to two petitions concerning the August 19, 2015 RTR, the EPA revised the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits

for superphosphoric acid process lines; revised the compliance date for the monitoring requirements for low-energy absorbers; clarified the blower design capacity option; and added the regression model option to the monitoring requirements for low-energy absorbers. The November 3, 2020, amendments finalized the NESHAP for the Phosphoric Acid Manufacturing source category. The amendments are in response to a petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015. That emission limit was based on the MACT floor for existing sources for one facility, so the MACT floor did not accurately reflect the average emission limitation achieved by the units used to set the standard. Therefore, EPA revised the mercury MACT floor for existing calciners. The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart AA, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.330, Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB)*

The commission adopts amendments to §113.330 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BB, since this section was last amended. During this period, the EPA amended Subpart BB on September 28, 2017 (82 FR 45193) and November 19, 2020 (85 FR 73854). The September 28, 2017, amendments included the EPA's reconsiderations of the RTR for the Phosphoric Acid Manufacturing and

Phosphate Fertilizer Production source categories. In response to two petitions concerning the August 19, 2015 RTR, the EPA revised the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric process lines; revised the compliance date for the monitoring requirements for low-energy absorbers; clarified the blower design capacity option; and added the regression model option to the monitoring requirements for low-energy absorbers (40 CFR Part 63, Subparts AA and BB). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart BB, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.340, Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC)*

The commission adopts amendments to §113.340 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CC, since this section was last amended.

During this period, the EPA amended Subpart CC on November 26, 2018 (83 FR 60696), February 4, 2020 (85 FR 6064), and November 19, 2020 (85 FR 73854). The November 26, 2018, amendments revised NESHAP Refinery MACT 1 (40 CFR Part 63, Subpart CC), MACT 2 (40 CFR Part 63, Subpart UUU), and New Source Performance Standards (NSPS) for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards,

recordkeeping, and reporting. Also, the amendments revised the compliance date of the requirements for existing maintenance vents. The February 4, 2020, amendments reconsidered the December 1, 2015, Petroleum Refinery Sector RTR and NSPS. The amendments clarified a compliance issue and corrected errors published on November 26, 2018. Specifically, amendments revised 40 CFR §63.640(p)(2) and §63.648 regarding equipment leaks; 40 CFR §63.641 definition for "reference control technology for storage vessels"; 40 CFR §63.643(c)(1)(v) regarding miscellaneous process vents; 40 CFR §63.655 regarding reporting and recordkeeping; 40 CFR §63.660(i)(2)(iii) regarding storage vessels; and 40 CFR §63.670(d)(2) regarding flare control devices. The November 19, 2020, amendments revised Appendix of 40 CFR Part 63, Subpart CC, Table 1, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.350, Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD)*

The commission adopts amendments to §113.350 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DD, since this section was last amended. During this period, the EPA amended Subpart DD on January 29, 2018 (83 FR 3986)

and November 19, 2020 (85 FR 73854). The January 29, 2018, amendments finalized the NESHAP for Off-Site Waste and Recovery Operations (OSWRO). The amendments removed the additional monitoring requirements for pressure relief devices (PRD) on containers that resulted from the RTR 2015 amendments because EPA's reconsideration determined that the additional monitoring requirements are not necessary. The PRD inspection and monitoring requirements already included in the OSWRO NESHAP are effective and sufficient. The November 19, 2020, amendments to 40 CFR §63.697(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart DD, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.360, Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE)*

The commission adopts amendments to §113.360 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EE, since this section was last amended. During this period, the EPA amended Subpart EE on November 19, 2020 (85 FR 73854) and December 28, 2020 (85 FR 84261). The November 19, 2020, amendments to Table

1 of 40 CFR Part 63, Subpart EE, revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 entry for 40 CFR §63.9(b)(2), which further explains initial notification. Additionally, the amendments revised Table 1 by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. Specifically, the November 19, 2020, rule instruction 37 included an amendment to Table 1 of 40 CFR Part 63, Subpart EE, to revise 40 CFR §63.9(b)(2); however, there is no such entry in Table 1. Therefore, the December 28, 2020, rule instruction 37 was corrected by removing the amendatory text and the entry for 40 CFR §63.9(b)(2) from Table 1.

*§113.380, Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG)*

The commission adopts amendments to §113.380 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GG, since this section was last amended. During this period, the EPA amended Subpart GG on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 to 40 CFR Part 63, Subpart GG, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying

to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.390, Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH)*

The commission adopts amendments to §113.390 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HH, since this section was last amended. During this period, the EPA amended Subpart HH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR §63.760(a)(1); revised 40 CFR §63.775(c)(1) so the initial notification requirements are no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements; and amended Appendix of 40 CFR Part 63, Subpart HH, Table 2, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.400, Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II)*

The commission adopts amendments to §113.400 by incorporating by reference all amendments to 40 CFR Part 63, Subpart II, since this section was last amended. During this period, the EPA amended Subpart II on November 19, 2020 (85 FR 73854). The

November 19, 2020, amendments revised Table 1 to 40 CFR Part 63, Subpart II, by removing 40 CFR §63.9(i)-(j) and adding 40 CFR §63.9(i)-(k); and limiting 40 CFR §63.9(k) to 40 CFR §63.9(j) specifications.

*§113.410, Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ)*

The commission adopts amendments to §113.410 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJ, since this section was last amended. During this period, the EPA amended Subpart JJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart JJ, by revising the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Specifically, the amendments revised Table 1 by amending 40 CFR §63.9(b) to require existing sources to submit initial notification report within 270 days of the effective date or no later than 120 days after the source becomes subject to this subpart, whichever is later; adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.420, Printing and Publishing (40 Code of Federal Regulations Part 63, Subpart KK)*

The commission adopts amendments to §113.420 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KK, since this section was last amended.



During this period, the EPA amended Subpart KK on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.830(b)(1)(i) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart KK, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title and rule reference in §113.420 to "Printing and Publishing Industry (40 Code of Federal Regulations Part 63, Subpart KK)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart KK.

*§113.430, Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL)*

The commission adopts amendments to §113.430 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LL, since this section was last amended.

During this period, the EPA amended Subpart LL on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart LL, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for

electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.440, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills (40 Code of Federal Regulations Part 63, Subpart MM)*

The commission adopts amendments to §113.440 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MM, since this section was last amended. During this period, the EPA amended Subpart MM on October 11, 2017 (82 FR 47328), November 5, 2020 (85 FR 70487), and November 19, 2020 (85 FR 73854). The October 11, 2017, amendments completed the RTR for the chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semicheical pulp mills regulated under the NESHAP. The amendments are based on developments in practices, processes, and control technologies identified as part of the technology review. The amendments included revisions to the opacity monitoring provisions; the addition of requirements to maintain proper operation of the electrostatic precipitator automatic voltage control required facilities to conduct five-year periodic emissions testing and submit electronic reports; the elimination the SSM exemptions; and technical and editorial changes. The November 5, 2020, amendments clarified how to set operating limits for smelt dissolving tank scrubbers used at these mills and corrected cross-reference errors. In 40 CFR §63.861, Definitions, the amendments revised the term "modification" and added the term "no-load fan amperage." The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart MM, by adding 40 CFR

§63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.500, Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS)*

The commission adopts amendments to §113.500 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SS, since this section was last amended. During this period, the EPA amended Subpart SS on July 6, 2020 (85 FR 40386). The July 6, 2020, amendments finalized the RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM; clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category and reduced excess emissions of HAP from flares.

*§113.510, Equipment Leaks - Control Level 1 (40 CFR 63, Subpart TT)*

The commission adopts amendments to the title of §113.510 to "Equipment Leaks - Control Level 1 (40 Code of Federal Regulations Part 63, Subpart TT)" to maintain

consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.520, Equipment Leaks - Control Level 2 (40 CFR 63, Subpart UU)*

The commission adopts amendments to the title of §113.520 to "Equipment Leaks - Control Level 2 (40 Code of Federal Regulations Part 63, Subpart UU)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

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

The commission adopts amendments to the title of §113.540 to "Storage Vessels (Tanks) - Control Level 2 (40 Code of Federal Regulations Part 63, Subpart WW)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.550, Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX)*

The commission adopts amendments to §113.550 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XX, since this section was last amended. During this period, the EPA amended Subpart XX on July 6, 2020 (85 FR 40386). The July 6, 2020, amendments finalized the RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing

general exemptions for SSM, and clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category by 29 tpy and reduced excess emissions of HAP from flares by an additional 1,430 tpy.

*§113.560, Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)*

The commission adopts amendments to §113.560 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YY, since this section was last amended. During this period, the EPA amended Subpart YY on July 6, 2020 (85 FR 40386), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66096). The July 6, 2020, amendments finalized the EPA's RTR conducted for the Ethylene Production source category. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM and clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category and reduced excess emissions of HAP from flares. The November 19, 2020, amendments revised 40 CFR §63.1100(b), Applicability,

to owners or operators, including sources that reclassify from major source to area source status. The November 19, 2021, amendments finalized the EPA's RTR conducted for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories regulated under NESHAP. New emissions standards for the were added. The EPA also finalized amendments for both source categories that removed the SSM exemptions; and required electronic reporting of certain notifications, performance test results, and semiannual reports.

The commission also adopts amendments to the title and rule reference in §113.560 to "Source Categories: Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart YY.

*§113.600, Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC)*

The commission adopts amendments to §113.600 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCC, since this section was last amended. During this period, the EPA amended Subpart CCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.1163(a)(3) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart CCC, by adding 40 CFR §63.9(j) regarding the

provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.610, Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD)*

The commission adopts amendments to §113.610 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DDD, since this section was last amended. During this period, the EPA amended Subpart DDD on November 19, 2020 (85 FR 73854) and December 28, 2020 (85 FR 84261). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart DDD, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected the final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. This action corrected inadvertent typographical errors and redundant text. The corrections did not affect the substantive requirements of the final rule implementing the plain language reading of the "major source" and "area source" definitions of FCAA, §112. Specifically, the final MM2A rule instruction 51 amended Table 1 of 40 CFR Part 63, Subpart DDD, by adding 40 CFR §63.1(c)(6); however, this addition was

unnecessary as Table 1 has another entry including that provision. Rule instruction 51 was corrected by adding 40 CFR §63.9(k) and removing 40 CFR §63.1(c)(6). Further, the entry for 40 CFR §63.1(c)(6) was removed from Table 1.

*§113.620, Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE)*

The commission adopts amendments to §113.620 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEE, since this section was last amended. During this period, the EPA amended Subpart EEE on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart EEE, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The commission also adopts a minor editorial revision to §113.620 to correct existing rule text by making "Combustor" plural.

*§113.640, Pharmaceuticals Production (40 Code of Federal Regulations Part 63, Subpart GGG)*

The commission adopts amendments to §113.640 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGG, since this section was last amended. During this period, the EPA amended Subpart GGG on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart GGG, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source



reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for change in information provided, limited for change in major source status only; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.650, Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH)*

The commission adopts amendments to §113.650 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHH, since this section was last amended. During this period, the EPA amended Subpart HHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR Part 63, Subpart HHH, §63.1270(a) and revised the initial notification requirements in 40 CFR §63.1270(a) so the notification is submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Appendix of 40 CFR Part 63, Subpart HHH, Table 2, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.660, Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III)*

The commission adopts amendments to §113.660 by incorporating by reference all amendments to 40 CFR Part 63, Subpart III, since this section was last amended. During this period, the EPA amended Subpart III on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart III, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.670, Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ)*

The commission adopts amendments to §113.670 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJ, since this section was last amended. During this period, the EPA amended Subpart JJJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart JJJ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for change in information provided, limited for change in major source status only; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.690, Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL)*

The commission adopts amendments to §113.690 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LLL, since this section was last amended. During this period, the EPA amended Subpart LLL on June 23, 2017 (82 FR 28562), August 22, 2017 (82 FR 39671), July 25, 2018 (83 FR 35122), August 3, 2018 (83 FR 38033), October 7, 2020 (85 FR 63394), and November 19, 2020 (85 FR 73854). The June 23, 2017, amendment provided a compliance alternative for sources that would otherwise be required to use a hydrogen chloride (HCl) continuous emissions monitoring systems (CEMS) to demonstrate compliance with the HCl emissions limit. This compliance alternative was needed due to the unavailability of the HCl calibration gases used for CEMS quality assurance purposes. The August 22, 2017, amendments removed the provisions that were added in the June 23, 2017, direct final rule, and restored the provisions that were deleted in that rule. The July 25, 2018, amendments finalized the RTR. The amendments corrected and clarified other rule requirements and provisions. The August 3, 2020, amendments corrected the to the July 25, 2018, publication of the RTR. Specifically, the Table 1 "Requirement" column was corrected to "Due Dates for Excess Emissions and CMS Performance Reports" and the "Applies to Subpart LLL" column to "No." The October 7, 2020, amendments corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updated outdated procedures, and approved alternative procedures that provided flexibility to testers. These revisions improved the quality of data and did not impose any new substantive requirements on source owners or operators. Specifically, 40 CFR Part 63, Subpart LLL, Portland Cement Manufacturing,

the units of measurement in Equations 12, 13, 17, 18, and 19 were revised to add clarity and consistency. Equations 12 and 13 were corrected so that the operating limit units of measurement was calculated correctly. The calculation of the operating limit was established by a relationship of the total hydrocarbons (THC) CEMS signal to the organic HAP compliance concentration. In Table 1 of 40 CFR Part 63, Subpart LLL, the THC and organic HAP emissions limits units were in parts per million (by) volume, dry (ppmvd) corrected to 7% oxygen. Therefore, the average organic HAP values in equation 12 needed to be in ppmvd, corrected to 7% oxygen, instead of parts per million by volume-wet (ppmvw). The THC CEMS monitor units of measure are ppmvw, as propane and the variables are updated to reflect this. The variables in Equations 13 and 19 reference variables in Equations 12 and 18, respectively. Those variables are updated for consistency between the equations. The units of measurement in Equation 17 should be the monitoring system's units of measure. It is possible for those systems to be on either a wet or a dry basis. The equation was only on a wet basis, even though it should be on the basis of the monitor (wet or dry). The changes to the units of measure from ppmvw to parts per million by volume (ppmv) takes either possibility into account. For Equations 17 and 18, the operating limit units of measure were changed to the units of the CEMS monitor, ppmv. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart LLL, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.700, Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM)*

The commission adopts amendments to §113.700 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMM, since this section was last amended. During this period, the EPA amended Subpart MMM on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart MMM, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) change in information provided, limited for change in major source status only, 40 CFR §63.1368(h) specifies procedures for other notification of changes; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.710, Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN)*

The commission adopts amendments to §113.710 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNN, since this section was last amended. During this period, the EPA amended Subpart NNN on December 26, 2017 (82 FR 60873), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The December 26, 2017, amendments finalized the EPA's RTR conducted for the Wool Fiberglass Manufacturing source category. The amendments to Subpart NNN included

RTR readopting the existing emission limits for formaldehyde; establishing emission limits for methanol; adding a work practice standard for phenol emissions from bonded rotary spin lines at wool fiberglass manufacturing facilities; revising emission standards promulgated on July 29, 2015, for flame attenuation (FA) lines at wool fiberglass manufacturing facilities by creating three subcategories of FA lines; and establishing emission limits for formaldehyde and methanol emissions; and either emission limits or work practice standards for phenol emissions for each subcategory of FA lines. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart NNN, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected redundant text that appeared in the *Federal Register* at 85 FR 73854 on November 19, 2020. Specifically, the amendments revised Table 1 of 40 CFR Part 63, Subpart NNN, by correcting rule instruction 60 to remove the addition of 40 CFR §63.1(c)(6) because it was unnecessary as Table 1 had another entry including that provision.

*§113.720, Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO)*

The commission adopts amendments to §113.720 by incorporating by reference all amendments to 40 CFR Part 63, Subpart OOO, since this section was last amended. During this period, the EPA amended Subpart OOO on October 15, 2018 (83 FR 51842)

and November 19, 2020 (85 FR 73854). The October 15, 2018, amendments reconsidered the EPA's October 8, 2014, RTRs conducted for the Acrylic and Modacrylic Fibers Production, Amino/Phenolic Resins (APR) Production and Polycarbonate Production source categories. The amendments revised the MACT standard for continuous process vents (CPV) at existing affected sources; extended the compliance date for CPV at existing sources; revised the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance; and included five minor technical rule corrections to improve the clarity of the APR NESHAP. The amendments did not reopen any other aspects of the October 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the October 2014 rule. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart OOO, by adding §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising §63.9(j) regarding the provision for a change in information provided, limited for change in major source status only; and adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.730, Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP)*

The commission adopts amendments to §113.730 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPP, since this section was last amended. During this period, the EPA amended Subpart PPP on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.1434(d) and (e), and §63.1439(e)(3)(ii)(B) and (C) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified the 40 CFR §63.1439(e) recordkeeping and reporting requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status, including a requirement for electronic notification. Further, the amendments revised Table 1 of 40 CFR Part 63, Subpart PPP, by adding §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising §63.9(j) regarding the provision for a change in information provided, limited for change in major source status only; and adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.740, Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ)*

The commission adopts amendments to §113.740 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQ, since this section was last amended. During this period, the EPA amended Subpart QQQ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which



a major source cannot become an area source from 40 CFR §63.1441; and revised the initial notification requirements in 40 CFR §63.1454(b) so the notification shall be submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.750, Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR)*

The commission adopts amendments to §113.750 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRR, since this section was last amended. During this period, the EPA amended Subpart RRR on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart RRR, by adding 40 CFR §63.1(c)(6), regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.770, Primary Lead Processing (40 Code of Federal Regulations Part 63, Subpart TTT)*

The commission adopts amendments to §113.770 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTT, since this section was last amended. During this period, the EPA amended Subpart TTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63,

Subpart TTT, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title and rule reference in §113.770 to "Primary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart TTT)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart TTT.

*§113.780, Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU)*

The commission adopts amendments to §113.780 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUU, since this section was last amended. During this period, the EPA amended Subpart UUU on November 26, 2018 (83 FR 60696), February 4, 2020 (85 FR 6064), and November 19, 2020 (85 FR 73854). The November 26, 2018, amendments revised MACT 2 (Subpart UUU) and NSPS for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting. Also, the amendments revised the compliance date of the requirements for existing maintenance vents from August 1, 2017 to December 26, 2018. The February 4, 2020, amendments reconsidered the EPA's December 1, 2015 RTR and NSPS. Also, the amendments clarified a compliance issue raised by stakeholders subject to the rule, corrected referencing errors, and corrected

publication errors associated with amendments to the final rule which were published on November 26, 2018. The November 19, 2020, amendments to 40 CFR §63.1574(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements, The amendments also revised Table 44 of 40 CFR Part 63, Subpart UUU, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.790, Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV)*

The commission adopts amendments to §113.790 by incorporating by reference all amendments to 40 CFR Part 63, Subpart VVV, since this section was last amended. During this period, the EPA amended Subpart VVV on October 26, 2017 (82 FR 49513) and November 19, 2020 (85 FR 73854). The October 26, 2017, amendments finalized the EPA's RTR. The amendments included revisions to names and definitions of the subcategories; the applicability criteria; regulatory provisions pertaining to emissions during periods of SSM, including removing general exemptions for SSM; initial notification requirements for existing Groups 1 and 2 Publicly Owned Treatment Works (POTW); requirements for new Group 1 POTW; requirements for electronic reporting; and other miscellaneous edits and technical corrections. The November 19, 2020, amendments to 40 CFR §63.1591(a)(1) and (2) revised the initial notification

requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart VVV, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.810, Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX)*

The commission adopts amendments to §113.810 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXX, since this section was last amended. During this period, the EPA amended Subpart XXX on January 18, 2017 (82 FR 5401) and November 19, 2020 (85 FR 73854). The January 18, 2017, amendments reconsidered the EPA's June 30, 2015 RTR. The amendments revised the rule to allow existing facilities with positive pressure baghouses to perform visible emissions (VE) monitoring twice daily as an alternative to installing and operating bag leak detection systems to ensure the baghouses are operating properly. The amendments maintained the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits; however, the revised rule references the recently updated version of the DCOT method. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart XXX, by adding 40 CFR

§63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.840, Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAAA)*

The commission adopts amendments to §113.840 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAAA, since this section was last amended. During this period, the EPA amended Subpart AAAAA on March 26, 2020 (85 FR 17244), October 13, 2020 (85 FR 64398), and February 14, 2022 (87 FR 8197). The February 14, 2022, amendment also corrects a typographical error published in the proposal by replacing the date from "February 14, 2020" to "February 14, 2022." The March 26, 2020, amendments finalized EPA's RTR. The amendments corrected and clarified SSM by removing general exemptions; revised wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganized rule text to incorporate provisions from the NSPS within this subpart; and added requirements for electronic reporting of performance test results. The amendments also included minor changes to the Municipal Solid Waste (MSW) Landfills NSPS and Emission Guidelines and Compliance Times for MSW Landfills. Specifically, the amendments included the most recent MSW Landfills NSPS and emission guidelines that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. The October 13, 2020,

amendments corrected the March 26, 2020 RTR by revising inadvertent errors in the cross-referencing and formatting in the FR; and clarifying the two operational and reporting requirements. The February 14, 2022, amendments finalized EPA's technical revisions and clarifications for the NESHAP for MSW Landfills established in the March 26, 2020, final rule. The EPA clarified the following: Wellhead monitoring requirements for the purpose of identifying excess air infiltration; delegation of authority to state, local, or tribal agencies for "emission standards;" applicability of the General Provisions to affected MSW landfills; and handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks, and adjustments. The EPA also made some minor typographical corrections.

*§113.860, Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC)*

The commission adopts amendments to §113.860 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCC, since this section was last amended. During this period, the EPA amended Subpart CCCC on October 16, 2017 (82 FR 48156). The October 16, 2017, amendments finalized EPA's RTR. The amendments revised the form of the volatile organic compounds standards for fermenters; removed the option to monitor brew ethanol; added ongoing relative accuracy test audit (RATA); and revised other monitoring, reporting, and recordkeeping requirements.

*§113.870, Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD)*

The commission adopts amendments to §113.870 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DDDD, since this section was last amended. During this period, the EPA amended Subpart DDDD on August 13, 2020 (85 FR 49434), August 21, 2020 (85 FR 51668), and November 19, 2020 (85 FR 73854). The August 13, 2020, amendments finalized EPA's RTR. The amendments eliminated the SSM exemptions in the General Provisions for the NESHAP; added electronic reporting; added repeat emissions testing; and made technical and editorial changes. No revisions to the numerical emission limits in the rule based on the RTR. The August 21, 2020, amendments corrected the August 13, 2020 RTR by revising the date in 40 CFR §63.2282. The November 19, 2020, amendments to 40 CFR §63.2280(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 10 of 40 CFR Part 63, Subpart DDDD, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.880, Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE)*

The commission adopts amendments to §113.880 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEEE, since this section was last amended.

During this period, the EPA amended Subpart EEEE on July 7, 2020 (85 FR 40740), July 10, 2020 (85 FR 41411), July 22, 2020 (85 FR 44216), and November 19, 2020 (85 FR 73854). The July 7, 2020, amendments finalized EPA's RTR. The amendments revised the storage tank requirements; corrected and clarified regulatory provisions related to emissions during periods of SSM by removing general exemptions; added requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports; added operational requirements for flares; and made other minor technical improvements. The July 10, 2020, amendments corrected the July 7, 2020 RTR by revising amendatory instruction 2d for 40 CFR §63.14 to reference the correct redesigning paragraphs and correct the 40 CFR §63.14 heading. The July 22, 2020, amendments corrected the July 7, 2020 RTR. A set of amendatory instructions and one reference to a standard approved for IBR were removed during the review and publication process, but the related standard reference was not removed. In addition, subsequent amendatory instructions were not properly revised to reflect the edits. Specifically, these amendments corrected the centralized IBR section at 40 CFR §63.14 by restating the instruction that could not be applied to the CFR; and removing ASTM D6378-18a from 40 CFR §63.2046. The November 19, 2020, amendments to 40 CFR §63.2382(b)(1) and (2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 12 of 40 CFR Part 63, Subpart EEEE, by revising 40 CFR §63.9(j) regarding the provision for a change in previous information to require submission within 15 days after the



change and limiting applicability to a change to major source status, other changes are reported in the first and subsequent compliance reports; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to notification specified in 40 CFR §63.9(j).

*§113.890, Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF)*

The commission adopts amendments to §113.890 by incorporating by reference all amendments to 40 CFR Part 63, Subpart FFFF, since this section was last amended. During this period, the EPA amended Subpart FFFF on August 12, 2020 (85 FR 49084) and November 19, 2020 (85 FR 73854). The August 12, 2020, amendments finalized EPA's RTR. The amendments established emission limits and work practice standards for new and existing miscellaneous organic chemical (MON) manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment; and implemented FCAA, §112(d) by requiring all major sources to meet HAP emission standards to reflect application of the MACT. The HAP emitted from MON manufacturing facilities included toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The final rule reduced HAP emissions by 16,800 tpy for existing facilities that manufacture MONs, including amendments for equipment leaks and heat exchange systems, and addressed ethylene oxide emissions from storage tanks, process vents, and equipment leaks; corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing

general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses; added monitoring and operational requirements for flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins; added a provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. The November 19, 2020, amendments to 40 CFR §63.2515(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 12 of 40 CFR Part 63, Subpart FFFF, by revising 40 CFR §63.9(j) regarding change in previous information, limited to a change in major source status, otherwise §63.2520(e) specifies reporting requirements for process changes; and adding 40 CFR §63.9(k) regarding electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.900, Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG)*

The commission adopts amendments to §113.900 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGGG, since this section was last amended. During this period, the EPA amended Subpart GGGG on March 18, 2020 (85 FR 15608) and November 19, 2020 (85 FR 73854). The March 18, 2020, amendments finalized the RTR for the Solvent Extraction for Vegetable Oil Production source category. The EPA

finalized the decision that risks due to emissions of air toxics from this source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. Under the technology review, the EPA finalized the decision that there are no developments in practices, processes, or control technologies that necessitate revision of the standards. No revisions to the numerical emission limits based on the risk and technology reviews were made. The amendments included corrections and clarifications for regulatory provisions related to emissions during periods of SSM, including removing general exemptions for periods of SSM. The amendments also added alternative work practice standards for periods of initial startup for new or significantly modified sources; and made other minor clarifications and corrections. Further, the amendments added a provision for electronic reporting of certain notifications and reports and performance test results; and made other minor clarifications and corrections to improve compliance and implementation of the rule. The November 19, 2020, amendments to 40 CFR §63.2860(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, §63.2870, by adding 40 CFR §63.9(j) regarding a provision for notification requirements for a change in previous information; and 40 CFR §63.9(k) regarding the provision for notification requirements for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.910, Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH)*

The commission adopts amendments to §113.910 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHH, since this section was last amended. During this period, the EPA amended Subpart HHHH on February 28, 2019 (84 FR 6676) and November 19, 2020 (85 FR 73854). The February 28, 2019, amendments finalized the EPA's RTR. The amendments removed SSM general exemptions; added electronic reporting; clarified rule provisions; revised certain monitoring, recordkeeping, and reporting requirements; and included other miscellaneous technical and editorial changes. The November 19, 2020, amendments revised Table 2 of 40 CFR Part 63, Subpart HHHH, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.920, Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII)*

The commission adopts amendments to §113.920 by incorporating by reference all amendments to 40 CFR Part 63, Subpart IIII, since this section was last amended. During this period, the EPA amended Subpart IIII on July 8, 2020 (85 FR 41100), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The July 8, 2020, amendments finalized the EPA's RTR of Surface Coatings of (1) Automobiles and

Light-Duty Trucks (ALDT), (2) Miscellaneous Metal Parts and Products (MMPP), and (3) Plastic Parts and Products (PPP) source categories regulated under NESHAP. The amendments removed SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. This notice also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.3110(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart III, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections to regulations under the NESHAP program. Specifically, the amendments included the Surface Coating of Automobiles and Light-Duty Trucks promulgated on July 8, 2020. The amendments to 40 CFR §63.3130(c)(4) and (5) revised the records to keep relating to the record of the calculation of the organic HAP emission rate. The amendments to 40 CFR §63.3161 revised the demonstration of initial compliance relating to emission limits and determining the transfer efficiency for each coating.

The amendments also revised 40 CFR §63.3165(e) relating to determining the emission capture system efficiency with panel testing. Further, amendments to Appendix A of 40 CFR Part 63, Subpart IIII, revised the text relating to protocol for determining the daily volatile organic compound emission rate.

*§113.930, Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ)*

The commission adopts amendments to §113.930 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJ on July 9, 2020 (85 FR 41276) and November 19, 2020 (85 FR 73854). The July 9, 2020, amendments finalized the EPA's RTR. The amendments added a compliance demonstration equation that accounts for retained volatiles in the coated web, repeat testing, and electronic reporting requirements; and made technical and editorial changes. The November 19, 2020, amendments to 40 CFR §63.3400(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 to Subpart JJJJ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.940, Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK)*

The commission adopts amendments to §113.940 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KKKK, since this section was last amended. During this period, the EPA amended Subpart KKKK on February 25, 2020 (85 FR 10828), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The February 25, 2020, amendments finalized the EPA's RTR. The amendments removed SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. The November 19, 2020, amendments to 40 CFR §63.3510(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 5 of 40 CFR Part 63, Subpart KKKK, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments, made technical corrections under the NESHAP program for Surface Coating of Metal Cans, promulgated on February 25, 2020. The amendments to 40 CFR §63.3541(h) revised the calculation for the organic HAP emission reduction for each controlled coating operation not using liquid-liquid material balances.

*§113.960, Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM)*

The commission adopts amendments to §113.960 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMMM, since this section was last amended. During this period, the EPA amended Subpart MMMM on July 8, 2020 (85 FR 41100) and November 19, 2020 (85 FR 73854). The July 8, 2020, amendments finalized the EPA's RTR. The amendments eliminated the SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; added requirements for periodic performance testing; and made several miscellaneous technical amendments. The November 19, 2020, amendments to 40 CFR §63.3910(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart MMMM, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.970, Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN)*



The commission adopts amendments to §113.970 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNNN, since this section was last amended. During this period, the EPA amended Subpart NNNN on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the EPA's RTR. The amendments eliminated general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments corrected the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The amendments also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture published in the March 15, 2019 FR. The November 19, 2020, amendments to 40 CFR §63.4110(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to

the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart NNNN, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.980, Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO)*

The commission adopts amendments to §113.980 by incorporating by reference all amendments to 40 CFR Part 63, Subpart OOOO, since this section was last amended. During this period, the EPA amended Subpart OOOO on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the EPA's RTRs for the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories. The amendments eliminated the general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments corrected the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of

performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. The November 19, 2020, amendments to 40 CFR §63.4310(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 3 of 40 CFR Part 63, Subpart OOOO, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.990, Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP)*

The commission adopts amendments to §113.990 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPPP, since this section was last amended. During this period, the EPA amended Subpart PPPP on July 8, 2020 (85 FR 41100) and November 19, 2020 (85 FR 73854). The July 8, 2020, amendments finalized the EPA's RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission

limits based on these risk analyses or technology reviews. This notice also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.4510(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart PPPP, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1000, Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ)*

The commission adopts amendments to §113.1000 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQQ, since this section was last amended. During this period, the EPA amended Subpart QQQQ on March 4, 2019 (84 FR 7682) and November 19, 2020 (85 FR 73854). The March 4, 2019, amendments finalized the EPA's RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting, added an alternative compliance equation under the current standards; and made technical and editorial changes. This action also finalized a new EPA test method to measure isocyanate compounds in certain surface coatings. The November 19, 2020, amendments to 40 CFR §63.4710(b) revised the initial notification

requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 4 of 40 CFR Part 63, Subpart QQQQ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1010, Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR)*

The commission adopts amendments to §113.1010 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRR, since this section was last amended. During this period, the EPA amended Subpart RRRR on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement

methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The amendments finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.4910(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 2 of 40 CFR Part 63, Subpart RRRR, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1020, Surface Coating of Metal Coil (40 CFR 63, Subpart SSSS)*

The commission adopts amendments to §113.1020 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SSSS, since this section was last amended. During this period, the EPA amended Subpart SSSS on February 25, 2020 (85 FR 10828) and November 19, 2020 (85 FR 73854). The February 25, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for

periodic performance testing. Additionally, several miscellaneous technical amendments are being made to improve the clarity of the rule requirements. No revisions to the numerical emission limits for the two source categories based on the RTRs. The November 19, 2020, amendments to 40 CFR §63.5180(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart SSSS, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title of §113.1020 to "Surface Coating of Metal Coil (40 Code of Federal Regulations Part 63, Subpart SSSS)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.1030, Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT)*

The commission adopts amendments to §113.1030 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTT, since this section was last amended. During this period, the EPA amended Subpart TTTT on February 12, 2019 (84 FR 3308) and November 19, 2020 (85 FR 73854). The February 12, 2019, amendments finalized

the RTR. The amendments eliminated the general exemptions for SSM; added electronic reporting; and revised certain rule provisions for clarification. The November 19, 2020, amendments to 40 CFR §63.5415(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart TTTT, by adding 40 CFR §63.9(j) regarding notification requirements for change in previous information; and 40 CFR §63.9(k) regarding notification requirements for electronic reporting procedures, limiting to 40 CFR §63.9(j) specifications.

*§113.1040, Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU)*

The commission adopts amendments to §113.1040 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUUU, since this section was last amended. During this period, the EPA amended Subpart UUUU on July 2, 2020 (85 FR 39980) and November 19, 2020 (85 FR 73854). The July 2, 2020, amendments finalized the EPA's RTR. The amendments: eliminated the general exemptions for SSM; added electronic reporting requirements; added provisions for periodic emissions performance testing for facilities using non-recovery control devices; added a provision allowing more flexibility for monitoring of biofilter control devices; and made technical and editorial changes. The November 19, 2020, amendments to Table 7 of 40 CFR Part 63, Subpart UUUU, revised the initial notification requirements to no later than 120 calendar days



after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 7 of 40 CFR Part 63, Subpart UUUU, by revising entry 4 regarding affected source before June 11, 2002 to require initial notifications no later than 120 days after June 11, 2002, or no later than 120 after the source becomes subject to this subpart, whichever is later, as specified in 40 CFR §63.9(b)(2). Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart UUUU, by revising entry 7 to require submission a compliance report, which must contain any changes in information already provided, as specified in 40 CFR §63.9(j), except changes in major source status must be reported per §63.9(j). The amendments also revised Table 10 of 40 CFR Part 63 Subpart UUUU, by adding 40 CFR §63.9(j) regarding the provision for change in previous information, which must be submitted within 15 days of the change, except the notification of all but change in major source status must be submitted as part of the next semiannual compliance report as specified in Table 8 to this subpart; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1050, Boat Manufacturing (40 CFR 63, Subpart VVVV)*

The commission adopts amendments to §113.1050 by incorporating by reference all amendments to 40 CFR Part 63, Subpart VVVV, since this section was last amended. During this period, the EPA amended Subpart VVVV on March 20, 2020 (85 FR 15960), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The March 20, 2020, amendments finalized the RTR. The amendments eliminated general

exemptions for SSM and revised provisions regarding electronic reporting of performance test, performance evaluation results, and semiannual reports. The numeric emission limits of the standards remains unchanged. The November 19, 2020, amendments revised Table 8 of 40 CFR Part 63, Subpart VVVV, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections to regulations under the NESHAP program for Boat Manufacturing, promulgated on March 20, 2020. Specifically, Table 8 of 40 CFR Part 63, Subpart VVVV, was amended to remove the reclassification limitation, and to revise reporting and recordkeeping provisions.

The commission also adopts amendments to the title of §113.1050 to "Boat Manufacturing (40 Code of Federal Regulations Part 63, Subpart VVVV)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.1060, Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW)*

The commission adopts amendments to §113.1060 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWW, since this section was last amended. During this period, the EPA amended Subpart WWWW on March 20, 2020 (85 FR 15960)

and November 19, 2020 (85 FR 73854). The March 20, 2020, amendments finalized the RTR. The amendments addressed emissions during periods of SSM and amended provisions regarding electronic reporting of performance test, performance evaluation results, and semiannual reports. These final amendments included the removal of regulatory language that was inconsistent with the requirement that the standards apply at all times, inclusion of language requiring electronic reporting of performance test and performance evaluation results and semiannual reports, and an amendment to clarify that mixers that route to a capture and control device system with at least 95% efficiency overall are not required to have covers. The numeric emission limits of the standards remains unchanged. The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at Table 2 of 40 CFR Part 63, Subpart WWWW. The amendments also revised Table 15 of 40 CFR Part 63, to Subpart WWWW, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1070, Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX)*

The commission adopts amendments to §113.1070 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXXX, since this section was last amended. During this period, the EPA amended Subpart XXXX on July 24, 2020 (85 FR 44752) and

November 19, 2020 (85 FR 73854). The July 24, 2020, amendments finalized the RTR. The amendments added electronic reporting of performance test results and reports, compliance reports, and NOCS reports; and removed the provision that exempts emissions from compliance with the standards during periods of SSM. The November 19, 2020, amendments to 40 CFR §63.6009(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 17 of 40 CFR Part 63, Subpart XXXX, by adding 40 CFR §63.9(k) regarding notification for electronic reporting procedures as specified in 40 CFR §63.9(j).

*§113.1080, Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY)*

The commission adopts amendments to §113.1080 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YYYY, since this section was last amended. During this period, the EPA amended Subpart YYYY on March 9, 2020 (85 FR 13524), November 19, 2020 (85 FR 73854), and March 9, 2022 (87 FR 13183). The March 9, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM and added electronic reporting requirements. The November 19, 2020, amendments to 40 CFR §63.6145(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 7 of 40 CFR Part 63, Subpart YYYY, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of

notifications or reports, limited to 40 CFR §63.9(j) specifications. The March 9, 2022, amendments to 40 CFR §63.6095 remove the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004.

*§113.1090, Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)*

The commission adopts amendments to §113.1090 by incorporating by reference all amendments to 40 CFR Part 63, Subpart ZZZZ, since this section was last amended. During this period, the EPA amended Subpart ZZZZ on November 19, 2020 (85 FR 73854) December 4, 2020 (85 FR 78412), and August 10, 2022 (87 FR 48603). The August 10, 2022, update was added after proposal, as discussed elsewhere in this preamble. The November 19, 2020, amendments to 40 CFR §63.6645(b) and (d) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart ZZZZ, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 4, 2020, amendments streamlined existing fuel quality regulations, including removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. Specifically, amendments to 40 CFR §63.6604 revised a cite from "40 CFR §80.510(b)" to "40 CFR §1090.305." The August

10, 2022, amendments reflect a 2015 court decision in *Delaware Department of Natural Resources and Environmental Control v. EPA*, 785 F.3d 1 (D.C. Cir. 2015) as amended (July 21, 2015), vacating provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency. This ministerial rule removes 40 CFR §63.6640(f)(2)(ii) and (iii) and revises other provisions that contain references to the vacated subparagraphs or referenced operation of engines categorized as emergency engines for the purpose of emergency demand response.

The commission also adopts amendments to the title and rule reference in §113.1090 to "Stationary Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart ZZZZ.

*§113.1100, Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA)*

The commission adopts amendments to §113.1100 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAAA, since this section was last amended. During this period, the EPA amended Subpart AAAAA on July 24, 2020 (85 FR 44960), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The July 24, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM and added new provisions requiring electronic reporting. The

November 19, 2020, amendments to 40 CFR §63.7130(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart AAAAA, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. The action corrected inadvertent typographical errors and redundant text in the FR.

*§113.1110, Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBBB)*

The commission adopts amendments to §113.1110 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBBB, since this section was last amended. During this period, the EPA amended Subpart BBBBB on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to for 40 CFR §63.7189(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1120, Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC)*

The commission adopts amendments to §113.1120 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCCC, since this section was last amended. During this period, the EPA amended Subpart CCCCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.7340 revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1130, Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD)*

The commission adopts amendments to §113.1130 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DDDDD, since this section was last amended. During this period, the EPA amended Subpart DDDDD on November 14, 2018 (83 FR 56713), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions. The revisions do not impose any new substantive requirements on source owners or operators but improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, Table 6 of 40 CFR Part 63, Subpart DDDDD, was revised to allow the use of EPA SW-846-7471B for liquid samples in addition to EPA SW-846-7470A for measuring mercury to allow for compliance flexibility. Table 6 also revised the fuel analysis requirements. The November 19, 2020, amendments to 40 CFR §63.7545(b) and (c) revised the initial



notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. The action corrected inadvertent typographical errors and redundant text in the FR. Specifically, rule instruction 121 correctly referenced the amendments to 40 CFR §63.7545; however, the corresponding section header was incorrect. The section header was corrected.

The commission also adopts a minor editorial revision to §113.1130 existing rule text by adding "Major Sources" for consistency with the rule title.

*§113.1140, Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE)*

The commission adopts amendments to §113.1140 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEEEE, since this section was last amended. During this period, the EPA amended Subpart EEEEE on September 10, 2020 (85 FR 56080) and November 19, 2020 (85 FR 73854). The September 10, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM by specifying that emissions standards apply at all times. These final amendments also required electronic reporting of performance test results and compliance reports and made minor corrections and clarifications to a few other rule provisions for major

sources and area sources. The November 19, 2020, amendments to 40 CFR §63.7750(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1150, Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF)*

The commission adopts amendments to §113.1150 by incorporating by reference all amendments to 40 CFR Part 63, Subpart FFFFF, since this section was last amended. During this period, the EPA amended Subpart FFFFF on July 13, 2020 (85 FR 42074) and November 19, 2020 (85 FR 73854). The July 13, 2020, amendments finalized the RTR. The amendments established emission standards for mercury in response to a 2004 administrative petition for reconsideration which minimizes emissions by limiting the amount of mercury per ton of metal scrap used. The EPA also removed exemptions for periods of SSM consistent with a 2008 court decision and clarified that the emissions standards apply at all times; added electronic reporting of performance test results and compliance reports; and made minor corrections and clarifications for a few other rule provisions. The November 19, 2020, amendments to 40 CFR §63.7840(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1160, Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG)*

The commission adopts amendments to §113.1160 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGGGG, since this section was last amended. During this period, the EPA amended Subpart GGGGG on July 10, 2020 (85 FR 41680) and November 19, 2020 (85 FR 73854). The July 10, 2020, amendments finalized the RTR. Based on the results of the technology review, the EPA amended the leak detection and repair program. In addition, the EPA finalized amendments to revised regulatory provisions pertaining to emissions during periods of SSM, including finalizing work practice requirements for PRD and the 240-hour maintenance period for control devices on tanks. The amendments also finalized requirements for electronic submittal of semiannual reports and performance test results. Finally, the amendments also made minor clarifications and corrections. The final revisions to the rule increased the level of emissions control and environmental protection provided by the Site Remediation NESHAP. The November 19, 2020, amendments to 40 CFR §63.7950(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 3 of 40 CFR Part 63, Subpart GGGGG, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1170, Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH)*

The commission adopts amendments to §113.1170 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHH on August 14, 2020 (85 FR 49724), November 19, 2020 (85 FR 73854), and November 25, 2020 (85 FR 75235). The August 14, 2020, amendments finalized the RTR. The amendments addressed emissions during periods of SSM, including removing general exemptions for SSM; clarified regulatory provisions for certain vent control bypasses; revised provision for electronic reporting of performance test results, performance evaluation reports, compliance reports, and NOCS reports; and revised provisions to conduct periodic performance testing of oxidizers used to reduce emissions of organic HAP. The November 19, 2020, amendments to 40 CFR §63.8070(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 10 of 40 CFR Part 63 to Subpart HHHHH, by revising 40 CFR §63.9(j) regarding the provision for change in previous information for change in major source status, otherwise §63.8075(e)(8) specifies reporting requirements for process changes; and adding 40 CFR §63.9(k) regarding the provision for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications. The November 25, 2020, amendment corrected a date error in 40 CFR §63.8000(vi) published on August 14, 2020, in the *Federal Register* at 85 FR 49742.

*§113.1180, Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIII)*

The commission adopts amendments to §113.1180 by incorporating by reference all amendments to 40 CFR Part 63, Subpart IIII, since this section was last amended.

During this period, the EPA amended Subpart IIII on November 19, 2020 (85 FR 73854), December 28, 2020 (85 FR 84261), and May 6, 2022 (87 FR 27002). The May 6, 2022, update was added after proposal, as discussed elsewhere in this preamble. The November 19, 2020, amendments to 40 CFR §63.8252(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 10 of 40 CFR Part 63, Subpart IIII, by adding 40 CFR §63.9(k) regarding provisions for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected 85 FR 73914 published on November 19, 2020. The final MM2A rule instruction 128 correctly referenced the amendments to 40 CFR §63.8252; however, the corresponding regulatory text section header was incorrect. Additionally, the amendatory text for 40 CFR §63.8252(b) incorrectly referenced December 19, 2003, which should have remained April 19, 2004. The amendments corrected the regulatory text section header and the amendatory text. The May 6, 2022, amendments finalized the RTR and the beyond-the-floor MACT determination in response to a petition for reconsideration. These amendments prohibited mercury emissions from existing mercury cell chlor-alkali plants within three years. The amendments also finalized work practice standards and instrumental monitoring to minimize fugitive emissions.

Also, the EPA finalized revisions related to emissions during periods of SSM and amendments to correct a few minor errors in the compliance provisions of the 2003 rule.

The commission also adopts amendments to the title and rule reference in §113.1180 to "Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIII)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart IIII.

*§113.1190, ABrick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)*

The commission adopts amendments to §113.1190 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the initial notification requirements for Table 8 of 40 CFR Part 63, Subpart JJJJJ, for affected source before December 28, 2015, to submit an initial notification no later than June 22, 2016, or no later than 120 days after the source becomes subject to this subpart, whichever is later as specified in 40 CFR §63.9(b)(2). The amendments also revised Table 10 of 40 CFR Part 63, Subpart JJJJJ, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title of §113.1190 to "Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)" to correct a typographical error.

*§113.1200, Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK)*

The commission adopts amendments to §113.1200 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KKKKK, since this section was last amended. During this period, the EPA amended Subpart KKKKK on November 1, 2019 (84 FR 58601), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The November 1, 2019, amendments were issued in response to a petition for reconsideration on the final rule, promulgated on October 26, 2015, as well as the review of the 2015 rule with respect to certain other issues. This action revised the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan emissions limit of the final rule. In addition, concerns regarding VE monitoring of tunnel kiln stacks for continuous compliance with particulate matter (PM) and mercury emission limitations were addressed. The amendments also included requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths. Lastly, the amendments in this action amended the NESHAP to include provisions for emissions averaging, makes technical corrections, and added certain definitions. The November 19, 2020, amendments revised the initial notification requirements for Table 9 of 40 CFR Part 63, Subpart

KKKKK, to no later than 120 days after the source becomes subject to this subpart whichever is later as specified in 40 CFR §63.9(b)(2). Also, the amendments revised Table 11 of 40 CFR Part 63, Subpart KKKKK, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections under the NESHAP program for Clay Ceramics Manufacturing to the reports promulgated on November 1, 2019. Specifically, the amendments to 40 CFR §63.8635(g)(1) clarified what reports must be submitted and when they must be submitted. Also, the amendments to Table 2 of 40 CFR Part 63, Subpart KKKKK, clarified the operating limit that must be met.

*§113.1210, Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL)*

The commission adopts amendments to §113.1210 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LLLLL, since this section was last amended. During this period, the EPA amended Subpart LLLLL on March 12, 2020 (85 FR 14526) and November 19, 2020 (85 FR 73854). The March 12, 2020, amendments finalized the EPA's RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM; revised monitoring requirements for a control device used to comply with the PM standards; added requirements for periodic performance testing; added electronic reporting of performance test results and reports, performance evaluation reports,



compliance reports, and NOCS reports; and included other technical corrections to improve consistency and clarity. No revisions were made to the numerical emission limits based on the residual risk analysis or technology review. The November 19, 2020, amendments to 40 CFR §63.8692(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart LLLLLL, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1220, Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMMM)*

The commission adopts amendments to §113.1220 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMMMMM, since this section was last amended. During this period, the EPA amended Subpart MMMMMM on November 19, 2020 (85 FR 73854) and November 18, 2021 (86 FR 64385). The November 19, 2020, amendments to 40 CFR §63.8816(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart MMMMMM, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 18, 2021, amendments finalized the RTR conducted for the Flexible Polyurethane Foam Fabrication Operations major source category regulated under NESHAP. The

amendments included adding a numeric emission limit for existing flame lamination units; removing exemptions for periods of SSM and specifying that the emissions standards always apply; requiring periodic performance tests; requiring electronic reporting of performance test results and compliance reports; and revising the definitions of "Deviation" and "HAP-based adhesive."

*§113.1230, Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN)*

The commission adopts amendments to §113.1230 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNNNN, since this section was last amended. During this period, the EPA amended Subpart NNNNN on April 15, 2020 (85 FR 20855) and November 19, 2020 (85 FR 73854). The April 15, 2020, amendments finalized the RTR. The amendments added electronic reporting; addresses periods of SSM; and established work practice standards for maintenance activities under the FCAA. No revisions to the numerical emission limits based on the risk analysis or technology review. The November 19, 2020, amendments to 40 CFR §63.9045(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart NNNNN, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1250, Engine Test Cells/Standards (40 Code of Federal Regulations Part 63, Subpart P P P P P)*

The commission adopts amendments to §113.1250 by incorporating by reference all amendments to 40 CFR Part 63, Subpart P P P P P, since this section was last amended. During this period, the EPA amended Subpart P P P P P on June 3, 2020 (85 FR 34326) and November 19, 2020 (85 FR 73854). The June 3, 2020, amendments finalized the RTR. The amendments to the Engine Test Cells/Standards NESHAP revised periods of SSM provisions clarified electronic reporting provisions; and made clarifications and technical corrections. The November 19, 2020, amendments to 40 CFR §63.9345(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart P P P P P, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1260, Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart Q Q Q Q Q)*

The commission adopts amendments to §113.1260 by incorporating by reference all amendments to 40 CFR Part 63, Subpart Q Q Q Q Q, since this section was last amended. During this period, the EPA amended Subpart Q Q Q Q Q on February 8, 2019 (84 FR 2742) and November 19, 2020 (85 FR 73854). The February 8, 2019, amendments

finalized the RTR. The EPA determined that the risks from the category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. No new cost-effective controls under the technology review to achieve further emissions reductions. However, the final amendments revised reporting requirements for deviations and periods of SSM. The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source to 40 CFR §63.9485. Also, the amendments to 40 CFR §63.9535(c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Additionally, the amendments revised Table 1 of 40 CFR Part 63, Subpart QQQQQ, by adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1270, Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR)*

The commission adopts amendments to §113.1270 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRRR, since this section was last amended. During this period, the EPA amended Subpart RRRRR on July 28, 2020 (85 FR 45476) and November 19, 2020 (85 FR 73854). The July 28, 2020, amendments finalized the RTR. The final amendments did not include any revisions to the numerical emission limits of the rule based on the RTR. The amendments eliminated periods of the exemptions previously allowed for periods of SSM and clarified that the emissions

standards apply at all times. Also, the amendments clarified electronic reporting of performance test results and compliance reports and made minor technical corrections and amendments to monitoring and testing requirements to reduce the compliance burden on industry while continuing to be protective of the environment. The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR §63.9581. The amendments to 40 CFR §63.9640(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart RRRRR, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1280, Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS)*

The commission adopts amendments to §113.1280 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SSSSS, since this section was last amended. During this period, the EPA amended Subpart SSSSS on November 19, 2020 (85 FR 73854) and November 19, 2021 (86 FR 66045). The November 19, 2020, amendments to 40 CFR §63.9812(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 11 of 40 CFR Part 63, Subpart SSSSS, by adding 40

CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments finalized the RTR conducted for the Refractory Products Manufacturing source category regulated under NESHAP. The EPA found the risks due to emissions of air toxics from this source category were acceptable and that the standards provided an ample margin of safety to protect public health. As a result, the EPA is made no revisions to the emission limits for this source category based on the residual risk. In the technology review, after reviewing developments in practices, processes, and control technologies, the EPA determined that no revisions to the numeric emission limits were necessary. However, the EPA revised certain work practice provisions based on the technology review. The final amendments also included a new provision for certain HAP and a revision of the alternative fuel provisions. The amendments also revised emissions during periods of SSM and emissions during periods of scheduled maintenance. Further, the amendments revised electronic reporting of NOCS reports, performance test results, and performance evaluation results. Lastly, the amendments added of test methods and guidance materials, updated several test methods, and made other miscellaneous clarifying and technical corrections.

*§113.1290, Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT)*

The commission adopts amendments to §113.1290 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTTT, since this section was last amended.

During this period, the EPA amended Subpart TTTTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.9930(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1300, Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU)*

The commission adopts amendments to §113.1300 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUUUU, since this section was last amended. During this period, the EPA amended Subpart UUUUU on April 6, 2017 (82 FR 16736), July 2, 2018 (83 FR 30879), November 14, 2018 (83 FR 56713), May 23, 2019 (84 FR 23727), April 15, 2020 (85 FR 20838), May 22, 2020 (85 FR 31286), and September 9, 2020 (85 FR 55744). The April 6, 2017, amendments revised the electronic reporting requirements for the NESHAPS: Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs) (also known as the Mercury and Air Toxics Standards (MATS)) to allow for the temporary submission, through June 30, 2018, of certain reports using the portable document file (PDF) format and to correct inadvertent errors. This extension allowed the EPA the necessary time to develop, implement, and test the code necessary so that all MATS reports required to be submitted electronically could be submitted using the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool. The July 2, 2018, amendments extended the period during which certain electronic reports required by the MATS could be submitted as PDFs using the ECMPS Client Tool. This

extension was necessary because the electronic reporting system that owners or operators of affected MATS sources will be required to use would not be available by June 30, 2018. The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions. These revisions were to improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, the proposal for Coal- and Oil-Fired EGUs (Subpart UUUUU) Part 63 allowed filter temperature in 40 CFR §63.10010(h)(7)(i)(1); however, it was not revised. Based on comments, EPA deferred finalizing proposed revisions of the temperature tolerances of probe and filter holder heating systems. The amendments revised Table 5 of 40 CFR Part 63, Subpart UUUUU, by adding Method 5I as a test method option because Method 5I is designed for low PM application. The May 23, 2019, *Federal Register* included the CFR corrections in Title 40 of the Code of Federal Regulations, Part 63, §63.8980 to end of Part 63, revised as of July 1, 2018, with the following corrections in Subpart UUUUU regarding the initial and subsequent tune-ups: on page 188, in §63.10021, paragraph (e)(9); and on page 195, in §63.10031, paragraphs (f) introductory text, (f)(1), (2), (4), and (f)(6) introductory text was revised regarding what reports must be submitted and when. The April 15, 2020, amendments established a subcategory of certain existing EGUs firing EBCR for acid gas HAP emissions that was noticed in a February 7, 2019, proposed rule titled "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil Fired EGUs - Reconsideration of Supplemental Finding and Residual Risk and Technology Review." After consideration of public



comments, the EPA determined that there is a need for such a subcategory under the NESHAP for Coal- and Oil-Fired EGUs. The EPA established acid gas HAP emission standards applicable only to the new subcategory. The EPA's final decisions on the other two distinct actions in the 2019 Proposal (i.e., reconsideration of the 2016 Supplemental Finding that it is appropriate and necessary to regulate EGUs under FCAA, §112 and the RTR of MATS) will be announced in a separate final action. The May 22, 2020, *Federal Register* finalized the RTR; however, there were no changes to the NESHAP. The September 9, 2020, amendments for the NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units revised and streamlined the electronic data reporting requirements of MATS, increased data transparency by requiring use of one electronic reporting system instead of two separate systems and provided enhanced access to MATS data. No new monitoring requirements were imposed by this final action; instead, this action reduces reporting burden, increases MATS data flow and usage, makes it easier for inspectors and auditors to assess compliance, and encourages wider use of CEMS for MATS compliance. In addition, this final action extends the current deadline for alternative electronic data submission via PDF files through December 31, 2023.

*§113.1320, Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWW)*

The commission adopts amendments to §113.1320 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWW, since this section was last

amended. During this period, the EPA amended Subpart WWWW on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart WWWW, by removing the entry for 40 CFR §63.9(d)-(j) and adding entries for 40 CFR §63.9(d)-(i) regarding notifications and §63.9(j)-(k) regarding change in information already submitted; electronic reporting.

The commission also adopts a minor editorial revision to §113.1320 existing rule text by adding "Area Sources" to match the rule title and for consistency with other rules.

*§113.1350, Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZZ)*

The commission adopts amendments to §113.1350 by incorporating by reference all amendments to 40 CFR Part 63, Subpart ZZZZZ, since this section was last amended. During this period, the EPA amended Subpart ZZZZZ on September 10, 2020 (85 FR 56080). The September 10, 2020, amendments finalized the RTR. The amendments removed the exemptions for periods of SSM and specified that emissions standards apply at all times; added electronic reporting of performance test results and compliance reports; and made minor corrections and clarifications to a few other rule provisions for major sources and area sources.

*§113.1370, Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, SubpartBBBBB)*

The commission adopts amendments to §113.1370 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBBBB, since this section was last amended. During this period, the EPA amended Subpart BBBBBB on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11086(e) and Table 3 of 40 CFR Part 63, Subpart BBBBBB, revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 3 by revising 40 CFR §63.9(b)(1)-(2), (4)-(5), initial notifications to submit notification within 120 days after effective date, or no later than 120 days after the source becomes subject to this subpart, whichever is later; notification of intent to construct/reconstruct, notification of commencement of construction/reconstruction, notification of startup; contents of each; and adding 40 CFR §63.9(k), notifications for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.1380, Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)*

The commission adopts amendments to §113.1380 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCCCC, since this section was last amended. During this period, the EPA amended Subpart CCCCCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments clarified the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status,

including a requirement for electronic notification. The amendments also revised the initial notification requirements for 40 CFR §63.11124(a)(1), (b)(1), so the notification shall be submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments to Table 3 also revised 40 CFR §63.9(b)(1)-(2), (4)-(5), by clarifying initial notifications provisions to require notification within 120 days after effective date or no later than 120 days after the source becomes subject to this subpart, whichever was later; to clarify notification of intent to construct/reconstruct, notification of commencement of construction/reconstruction, notification of startup; contents of each; and added §63.9(k), regarding provisions for notifications for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.1425, Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH)*

The commission adopts amendments to §113.1425 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11175(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart HHHHHH, by adding 40 CFR

§63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title and rule reference in §113.1425 to "Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart HHHHHH.

*§113.1435, Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJJ)*

The commission adopts amendments to §113.1435 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJJJ on September 14, 2016 (81 FR 63112). The September 14, 2016, amendments included the final decision on the issues for which the EPA announced reconsideration on January 21, 2015, that pertain to certain aspects of the February 1, 2013, final amendments to the "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (Area Source Boilers Rule). The EPA retained the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. In addition, the EPA amended three reconsidered provisions: the alternative PM standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury for certain coal-fired

boilers based on their initial compliance demonstration, consistent with the alternative provisions for which comment was solicited in the January 2015 proposal. The EPA made minor changes to the proposed definitions of "startup" and "shutdown" based on comments received. This final action also addresses a limited number of technical corrections and clarifications on the rule, including removal of the affirmative defense for malfunction in light of a court decision on the issue. These corrections will clarify and improve the implementation of the February 2013 final Area Source Boilers Rule. In this action, the EPA is also denying the requests for reconsideration with respect to the issues raised in the petitions for reconsideration of the final Area Source Boilers Rule for which reconsideration was not granted.

The commission also adopts a minor editorial revision to §113.1435 existing rule text by adding "Generally Available Control Technology" for consistency with other rules.

*§113.1445, Acrylic and Modacrylic Fibers Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLLL)*

The commission adopts amendments to the title and rule reference in §113.1445 to "Acrylic and Modacrylic Fibers Production Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLLL)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart LLLLLL.

*§113.1450, Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMMM)*

The commission adopts amendments to §113.1450 by incorporating by reference all reviews to 40 CFR Part 63, Subpart MMMMMM, since this section was last amended. During this period, the EPA reviewed Subpart MMMMMM on November 19, 2021 (86 FR 66096). The November 19, 2021, review finalized the technology review conducted for Carbon Black Production area sources, regulated under NESHAP. The EPA did not change the existing area source standards. However, the area source standard requires all facilities to meet all the requirements in 40 CFR §63.1103(f) of Subpart YY (major source standard). The provisions in 40 CFR §63.1103(f) include carbon black production applicability, definitions, and requirements. Therefore, all changes discussed in Subpart YY, which impact the requirements laid out in 40 CFR §63.1103(f), also impact the requirements of the area source rule for carbon black production.

*§113.1460, Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOOO)*

The commission adopts amendments to §113.1460 by incorporating by reference all amendments to 40 CFR Part 63, Subpart OOOOOO, since this section was last amended. During this period, the EPA amended Subpart OOOOOO on November 18, 2021 (86 FR 64385). The November 18, 2021, amendments finalized the NESHAP technology review for two area source categories, Flexible Polyurethane Foam

Production and Flexible Polyurethane Foam Fabrication, which are combined in one subpart. The amendments removed references to the provisions of another NESHAP, Subpart III, that has been revised and no longer contains the referenced provisions. The amendments also removed Table 1 of 40 CFR Part 63, Subpart OOOOOO, because 40 CFR Part 63, Subpart A, General Provisions, do not apply to sources subject to Subpart OOOOOO.

*§113.1465, Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPPP)*

The commission adopts amendments to §113.1465 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPPPPP, since this section was last amended. During this period, the EPA amended Subpart PPPPPP on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11425(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1470, Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ)*

The commission adopts amendments to §113.1470 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQQQQ, since this section was last amended. During this period, the EPA amended Subpart QQQQQQ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11432(b) and



(c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1475, Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR)*

The commission adopts amendments to §113.1475 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRRRR, since this section was last amended. During this period, the EPA amended Subpart RRRRRR on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11441(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1485, Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT)*

The commission adopts amendments to §113.1485 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTTTT, since this section was last amended. During this period, the EPA amended Subpart TTTTTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11469(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1500, Plating and Polishing Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)*

The commission adopts amendments to §113.1500 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWWWW, since this section was last amended. During this period, the EPA amended Subpart WWWWWW on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11509(a)(3) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

The commission also adopts amendments to the title and rule reference in §113.1500 to "Plating and Polishing Operations Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart WWWWWW.

*§113.1505, Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)*

The commission adopts amendments to §113.1505 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXXXXX, since this section was last amended. During this period, the EPA amended Subpart XXXXXX on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11519(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

The commission also adopts amendments to the title and rule reference in §113.1505 to "Nine Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart XXXXXX.

*§113.1510, Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY)*

The commission adopts amendments to §113.1510 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YYYYYY, since this section was last amended. During this period, the EPA amended Subpart YYYYYY on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contained notification requirements for existing sources with specific deadlines that were in the past at 40 CFR §63.11529. Also, the amendments to 40 CFR §63.11529(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1520, Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAAA)*

The commission adopts amendments to §113.1520 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAAAAA, since this section was last amended. During this period, the EPA amended Subpart AAAAAAA on November 19,

2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11564. Also, the amendments to 40 CFR §63.11564(a)(2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1525, Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBB BBB)*

The commission adopts amendments to §113.1525 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBB BBB, since this section was last amended. During this period, the EPA amended Subpart BBBB BBB on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11585. Also, amendments to 40 CFR §63.11585(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1530, Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)*

The commission adopts amendments to §113.1530 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCCCC, since this section was last amended. During this period, the EPA amended Subpart CCCCCC on November 19,

2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11603. Also, the amendments to 40 CFR §63.11603(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1555, Polyvinyl Chloride and Copolymers Production Major Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHHHH)*

The commission adopts amendments to §113.1555 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHHHHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 4 of 40 CFR Part 63, Subpart HHHHHHHH, by revising 40 CFR §63.1(a)(1)-(a)(4), (a)(6), (a)(10)-(a)(12), (b)(1), (b)(3), (c)(1), (c)(2), (c)(5), (c)(6), (e) regarding provisions for applicability; and adding 40 CFR §63.9(k) regarding provisions for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

The commission also adopts amendments to the title of §113.1555 to remove "Major Sources" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart HHHHHHHH.

**Final Regulatory Impact Determination**

The commission reviewed the rulemaking adoption in light of the regulatory impact analysis requirements of Tex. Gov't Code Ann., §2001.0225 and determined that the rulemaking adoption does not meet the definition of a "major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis. A "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. Additionally, the rulemaking adoption does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which listed in Tex. Gov't Code Ann., §2001.0225(a). Tex. Gov't Code Ann., §2001.0225 applies only 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.

The specific intent of these adopted rules is to make amendments to a number of existing NESHAPs incorporated into Chapter 113 to allow the agency to implement and

enforce the updated versions of the federal NESHAP. The rulemaking adoption revises Chapter 113 to incorporate by reference changes that the EPA has made to the existing NESHAP for Source Categories under 40 CFR Part 63 as published through August 10, 2022.

The NESHAPs are promulgated by the EPA for source categories mandated by 42 United States Code (USC), §7412 and are required to be included in federal operating permits by 42 USC, §7661a. These NESHAPs are technology-based standards commonly referred to as MACT or GACT standards which the EPA develops to regulate emissions of HAPs as required under the FCAA. Certain sources of HAPs will be affected, and stationary sources are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from the EPA. As discussed in the Fiscal Note of the proposed rulemaking, the adopted rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond what is already required to comply with federal MACT or GACT 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.

Under 42 USC, §7661a, states are required to have federal operating permit programs that provide authority to issue permits and assure compliance with each applicable standard, regulation, or requirement under the FCAA, including NESHAPs, which are required under 42 USC, §7412. Similar to requirements in 42 USC, §7410, regarding the

requirement to adopt and implement plans to attain and maintain the National Ambient Air Quality Standards, states are not free to ignore requirements in 42 USC, §7661a, and must develop and submit programs to provide for operating permits for major sources that include all applicable requirements of the FCAA.

The requirement to provide a fiscal analysis of proposed regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th Texas Legislature, 1997. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis of extraordinary rules. Such rules are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement will seldom apply, the commission provided a cost estimate for SB 633 concluding that "based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application." The commission also noted that the number of rules that will require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted adopted rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law.



Because of the ongoing need to meet federal requirements, the commission routinely proposes and adopts rules incorporating, or designed to satisfy, specific federal requirements. The legislature is presumed to understand this federal scheme. If each rule proposed by the commission in order to meet a federal requirement was considered to be a major environmental rule that exceeds federal law, then each of those rules would require the full regulatory impact analysis contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the intent of SB 633 was only to require the full regulatory impact analysis for rules that are extraordinary in nature. While the adopted rules may have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of the FCAA, and in fact, creates no additional impacts since the adopted rules do not modify the federal NESHAP, but are incorporations by reference, which do not change the federal requirements.

For these reasons, the adopted rules fall under the exception in Tex. Gov't Code Ann., §2001.0225(a), because they are required by, and do not exceed, federal law. The commission has consistently applied this construction to its rules since this statute was enacted in 1997. Since that time, the legislature has revised the Texas Government Code but left this provision substantially unamended. It is presumed that "when an

agency interpretation is in effect at the time the legislature amends the laws without making substantial change in the statute, the legislature is deemed to have accepted the agency's interpretation." *Central Power & Light Co. v. Sharp*, 919 S.W.2d 485, 489 (Tex. App. - Austin 1995), *writ denied with per curiam opinion respecting another issue*, 960 S.W.2d 617 (Tex. 1997); *Mosley v. Tex. Health & Human Services Comm'n*, 593 S.W.3d 250 (Tex. 2019); *Tex. Ass'n of Appraisal Districts, Inc. v. Hart*, 382 S.W.3d 587 (Tex. App. - Austin 2012, no pet.); *Tex. Dep't of Protective & Regulatory Services v. Mega Child Care, Inc.*, 145 S.W.3d 170 (Tex. 2004).

The commission's interpretation of the regulatory impact analysis requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA against the standard of "substantial compliance," Tex. Gov't Code Ann., §2001.035. The legislature specifically identified Tex. Gov't Code Ann., §2001.0225 as falling under this standard. As discussed in this analysis and elsewhere in this preamble, the commission proposes that it has substantially complied with the requirements of Tex. Gov't Code Ann., §2001.0225. The adopted rules implement the requirements of the FCAA as discussed in this analysis and elsewhere in this preamble.

As explained previously in this preamble, the specific intent of the rulemaking adoption is to implement requirements of the FCAA. The NESHAP standards being

proposed for incorporation into state law are federal technology-based standards that are required by 42 USC, §7412, required to be included in federal operating permits under 42 USC, §7661a, proposed for incorporation by reference without modification or substitution, and will not exceed any standard set by state or federal law. These adopted rules are not the result of an express requirement of state law. The adopted rules do not exceed a requirement of a delegation agreement or a contract between state and federal government, as the EPA delegates the NESHAP to Texas in accordance with the delegation procedures codified in 40 CFR Part 63. The adopted amendments were not developed solely under the general powers of the agency but are authorized by specific sections of Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act), and the Texas Water Code, which are cited in the Statutory Authority section of this preamble, including Texas Health and Safety Code, §§382.011, 382.012, and 382.017. Therefore, this rulemaking adoption action is not subject to the regulatory analysis provisions of Tex. Gov't Code Ann., §2001.0225(b).

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the draft regulatory impact analysis determination.

### **Takings Impact Assessment**

The commission evaluated the rulemaking adoption and performed an assessment of whether the requirements of Tex. Gov't Code Ann., Chapter 2007 are applicable. The

commission's preliminary assessment indicates Tex. Gov't Code Ann., Chapter 2007 does not apply.

Under Tex. Gov't Code Ann., §2007.002(5), "taking" means: "(A) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or (B) a governmental action that: (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect."

The commission completed a preliminary takings impact analysis for the rulemaking adoption action as required by Tex. Gov't Code Ann., §2007.043. The primary purpose of this rulemaking adoption action, as discussed elsewhere in this preamble, is to make amendments to a number of existing NESHAP incorporated into Chapter 113 to update them with changes made by EPA through August 10, 2022. The NESHAP are

promulgated by the EPA for source categories mandated by 42 USC, §7412 and are required to be included in federal operating permits by 42 USC, §7661a. These NESHAP are technology-based standards commonly referred to as MACT or GACT standards which the EPA develops to regulate emissions of HAP as required under the FCAA. Certain sources of HAP will be affected, and stationary sources are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from the EPA. The adopted rules do not create any additional burden on private real property. Under federal law, the affected industries will be required to comply with the NESHAP regardless of whether the commission or the EPA is the agency responsible for implementation of the NESHAP.

Tex. Gov't Code Ann., §2007.003(b)(4) provides that the requirements of Chapter 2007 of the Texas Government Code do not apply to this rulemaking adoption because it is an action reasonably taken to fulfill an obligation mandated by federal law. In addition, the commission's assessment indicates that Tex. Gov't Code Ann., Chapter 2007 does not apply to these adopted rules because this action is taken in response to a real and substantial threat to public health and safety; that is designed to significantly advance the health and safety purpose; and that it does not impose a greater burden than is necessary to achieve the health and safety purpose. The incorporation of revisions to the NESHAP will allow for the implementation and enforcement of federal requirements to address hazardous air pollution. The implementation and enforcement of the NESHAP addresses and advances public health and safety issues

arising due to hazardous air pollution, and because these adopted rules do not impose a greater burden than what is already required by the federal emission guidelines, this action is exempt under Tex. Gov't Code Ann., §2007.003(b)(13).

Any reasonable alternative to the rulemaking adoption will be excluded from a takings analysis required under Chapter 2007 of the Texas Government Code for the same reasons as elaborated in this analysis. As discussed in this preamble, states are required to include the requirements in state issued federal operating permits. If the state does not adopt the proposed rules, the federal rules will continue to apply. The adopted rules present as narrowly tailored an approach to complying with the federal mandate as possible without unnecessary incursion into possible private real property interests. Consequently, the proposed rules would not create any additional burden on private real property. The adopted rules will not affect private real property in a manner that will require compensation to private real property owners under the United States Constitution or the Texas Constitution. The adoption also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the rulemaking adoption will not cause a taking under Tex. Gov't Code Ann., Chapter 2007; nor does the Tex. Gov't Code Ann., Chapter 2007 apply to the rulemaking adoption.

### **Consistency with the Coastal Management Program**

The commission reviewed the rulemaking adoption and found that the adoption is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the adopted rules in accordance with Coastal Coordination Act implementation rules, 31 TAC §505.22, and found the rulemaking adoption is consistent with the applicable CMP goals and policies. The CMP goal applicable to the adopted rules is the goal to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(1), Goals). The CMP policy applicable to the adopted rules is the policy that commission rules comply with federal regulations in 40 CFR, to protect and enhance air quality in the coastal areas (31 TAC §501.32, Policies for Emission of Air Pollutants). The adopted rules will incorporate federal regulations concerning emissions of HAPs from certain industries into Chapter 113, allowing the commission to enforce those standards. This will tend to benefit the environment because it will result in lower emissions of HAPs. Therefore, in accordance with 31 TAC §505.22(d), Consistency Required for New Rules and Rule Amendments Subject to the Coastal Management Program, the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of these rules will not violate or exceed any standards identified in the applicable CMP goal and policy because the adopted rules are consistent with these CMP goals and policies, and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency with the CMP during the public comment period. No comments regarding the CMP were received.

#### **Effect on Sites Subject to the Federal Operating Permits Program**

Chapter 113 is an applicable requirement under 30 TAC Chapter 122, Federal Operating Permits Program. Owners or operators subject to the Federal Operating Permits Program must, consistent with the revision process in Chapter 122, upon the effective date of the adopted rulemaking, revise their operating permits to include the amended sections of Chapter 113. In addition, owners and operators of area sources should be aware that federal rules require certain area source categories to obtain a federal operating permit.

#### **Public Comment**

The commission offered a hybrid in-person and virtual public hearing on August 11, 2022. The comment period closed on August 15, 2022. The commission received one written comment from an individual. No specific changes to the rules were suggested.



## **Response to Comments**

### *Comment*

An individual commented on the need to lower El Paso's ozone level despite what is going on in Ciudad Juarez.

### *Response*

**The Ch. 113 rules being adopted implement federal CAA §112 standards that control specific HAP to reduce the health risks of those pollutants to the public. The adoption of these rules will allow Texas to continue enforcing these standards in Texas, and this includes controlling sources of HAP emissions in the El Paso area, as well as statewide. These regulations are designed to control emissions of specific toxic pollutants, but are not designed for the control of ground-level ozone. Texas has other rules and programs to address ground-level ozone, including State Implementation Plans which regulate ozone-forming emissions of volatile organic compounds and nitrogen oxide, as well as Nonattainment New Source Review and Prevention of Significant Deterioration permitting programs which place limitations on major sources of ozone-forming emissions. No changes were made to the rulemaking in response to this comment.**

**SUBCHAPTER C: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR**

**POLLUTANTS FOR SOURCE CATEGORIES (FCAA, §112, 40 CFR PART 63)**

§§113.100, 113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.840, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, 113.1555

**Statutory Authority**

The amendments are adopted under Texas Water Code (TWC), §5.102, concerning General Powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also adopted under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air

resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.015, concerning the Power to Enter Property, which authorizes a member, employee, or agent of the commission to enter public or private property to inspect and investigate conditions relating to emissions of air contaminants; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; THSC, §382.022, concerning Investigations, which authorizes the executive director authority to make or require investigations; and THSC, §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the Texas Clean Air Act.

The adopted amendments implement TWC, §§5.102, 5.103 and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.015, 382.016, 382.017, 382.022, and 382.051.

**§113.100. General Provision (40 Code of Federal Regulations Part 63, Subpart A).**

The General Provisions for the National Emission Standards for Hazardous Air Pollutants for Source Categories as specified in 40 Code of Federal Regulations (CFR) Part 63, Subpart A, are incorporated by reference as amended through **May 23, 2022** **(87 FR 31185)** ~~November 19, 2021 (86 FR 66038), (86 FR 66045), and (86 FR 66096)~~ [December 4, 2015 (80 FR 75817)], with the following exceptions.

(1) The language of 40 CFR §63.5(e)(2)(i) is amended to read as follows:

The executive director will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 180 calendar days after receipt of sufficient information to evaluate an application submitted under 40 CFR §63.5(d). The 180-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 90 calendar days after receipt of the original application and within 60 calendar days after receipt of any supplementary information that is submitted.

(2) The language of 40 CFR §63.6(i)(12)(i) is amended to read as follows:

The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted

under 40 CFR §63.6(i)(4)(i) or (i)(5). The 60-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(3) The language of 40 CFR §63.6(i)(13)(i) is amended to read as follows:

The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted under 40 CFR §63.6(i)(4)(ii). The 60-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(4) The language of 40 CFR §63.6(i)(13)(ii) is amended to read as follows:

When notifying the owner or operator that the application is not complete, the

executive director will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after they are notified of the incomplete application, additional information, or arguments to the executive director to enable further action on the application.

(5) The language of 40 CFR §63.8(e)(5)(ii) is amended to read as follows:

The owner or operator of an affected source using a Continuous Opacity Monitoring System (COMS) to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 30 calendar days before the performance test required under §63.7 is conducted.

(6) The language of 40 CFR §63.9(i)(3) is amended to read as follows: If, in

the executive director's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the executive director will approve the adjustment. The executive director will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 30 calendar days of receiving sufficient information to evaluate the request.

(7) The language of 40 CFR §63.10(e)(2)(ii) is amended to read as follows:

The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 30 calendar days before the performance test required under §63.7 is conducted.

**§113.106. List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C).**

The provisions of 40 Code of Federal Regulations Part 63, Subpart C, concerning the List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, are incorporated by reference as amended through January 5, 2022 (87 FR 393) [December 19, 2005 (70 FR 75057)].

**§113.110. Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F).**

The Synthetic Organic Chemical Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart F, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 21, 2006 (71 FR 76614)].

**§113.120. Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G).**

The Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart G, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

**§113.130. Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H).**

The Organic Hazardous Air Pollutants for Equipment Leaks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart H, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

**§113.170. Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L).**

The Coke Oven Batteries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart L, is incorporated by



reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.180. Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M).**

The Perchloroethylene Dry Cleaning Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart M, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 11, 2008 (73 FR 39871)].

**§113.190. Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N).**

The Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart N, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

**§113.200. Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O).**

The Ethylene Oxide Emissions Standards for Sterilization Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart O, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

**§113.220. Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q).**

The Industrial Process Cooling Towers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Q, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 7, 2006 (71 FR 17738)].

**§113.230. Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (40 Code of Federal Regulations Part 63, Subpart R).**

The Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) Maximum Achievable Control Technology standard as specified in

40 Code of Federal Regulations Part 63, Subpart R, is incorporated by reference as amended through December 4, 2020 (85 FR 78412) [December 22, 2008 (73 FR 78199)].

**§113.240. Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S).**

The Pulp and Paper Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart S, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [September 11, 2012 (77 FR 55698)].

**§113.250. Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T).**

The Halogenated Solvent Cleaning Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart T, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 3, 2007 (72 FR 25138)].

**§113.260. Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U).**

The Group I Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart U, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 21, 2011 (76 FR 22566)].

**§113.280. Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W).**

The Epoxy Resins Production and Non-Nylon Polyamides Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart W, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.290. Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X).**

The Secondary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart X, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [January 3, 2014 (79 FR 367)].

**§113.300. Marine Tank Vessel Loading Operations (40 Code of Federal Regulations Part 63, Subpart Y).**

The Marine Tank Vessel Loading Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Y, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 1, 2015 (80 FR 75178)].

**§113.320. Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA).**

The Phosphoric Acid Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AA, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 19, 2015 (80 FR 50386)].

**§113.330. Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB).**

The Phosphate Fertilizers Production Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

BB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 19, 2015 (80 FR 50386)].

**§113.340. Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC).**

The Petroleum Refineries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 13, 2016 (81 FR 45232)].

**§113.350. Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD).**

The Off-Site Waste and Recovery Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DD, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 18, 2015 (80 FR 14248)].

**§113.360. Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE).**

The Magnetic Tape Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EE, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [June 23, 2003 (68 FR 37352)].

**§113.380. Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG).**

The Aerospace Manufacturing and Rework Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 3, 2016 (81 FR 51114)].

**§113.390. Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH).**

The Oil and Natural Gas Production Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 16, 2012 (77 FR 49490)].

**§113.400. Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II).**

The Shipbuilding and Ship Repair (Surface Coating) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart II, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [November 21, 2011 (76 FR 72050)].

**§113.410. Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ).**

The Wood Furniture Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [November 21, 2011 (76 FR 72050)].

**§113.420. Printing and Publishing Industry (40 Code of Federal Regulations Part 63, Subpart KK).**

The Printing and Publishing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KK, is



incorporated by reference as amended through November 19, 2020 (85 FR 73854)  
[April 21, 2011 (76 FR 22566)].

**§113.430. Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL).**

The Primary Aluminum Reduction Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [October 15, 2015 (80 FR 62390)].

**§113.440. Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 63, Subpart MM).**

The Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.500. Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS).**

The Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SS, is incorporated by reference as amended through July 6, 2020 (85 FR 40386) [April 20, 2006 (71 FR 20446)].

**§113.510. Equipment Leaks - Control Level 1 (40 Code of Federal Regulations Part [CFR] 63, Subpart TT).**

The Equipment Leaks - Control Level 1 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TT, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

**§113.520. Equipment Leaks - Control Level 2 (40 Code of Federal Regulations Part [CFR] 63, Subpart UU).**

The Equipment Leaks - Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UU, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

**§113.540. Storage Vessels (Tanks) - Control Level 2 (40 Code of Federal Regulations  
Part [CFR] 63, Subpart WW).**

The Storage Vessels (Tanks) - Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WW, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

**§113.550. Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX).**

The Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XX, is incorporated by reference as amended through July 6, 2020 (85 FR 40386) [April 13, 2005 (70 FR 19266)].

**§113.560. Source Categories: Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY).**

The Source Categories: Generic Maximum Achievable Control Technology Standards as specified in 40 Code of Federal Regulations Part 63, Subpart YY, is

incorporated by reference as amended through November 19, 2021 (86 FR 66096)  
[October 8, 2014 (79 FR 60898)].

**§113.600. Steel Pickling - HCl Process Facilities and Hydrochloric Acid**

**Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC).**

The Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [September 19, 2012 (77 FR 58220)].

**§113.610. Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD).**

The Mineral Wool Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDD, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [July 29, 2015 (80 FR 45280)].

**§113.620. Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE).**

The Hazardous Waste Combustors [Combustor] Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [October 28, 2008 (73 FR 64068)].

**§113.640. Pharmaceuticals Production (40 Code of Federal Regulations Part 63, Subpart GGG).**

The Pharmaceuticals Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

**§113.650. Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH).**

The Natural Gas Transmission and Storage Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 16, 2012 (77 FR 49490)].

**§113.660. Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III).**

The Flexible Polyurethane Foam Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart III, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 15, 2014 (79 FR 48073)].

**§113.670. Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ).**

The Group IV Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 27, 2014 (79 FR 17340)].

**§113.690. Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL).**

The Portland Cement Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

LLL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 25, 2016 (81 FR 48356)].

**§113.700. Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM).**

The Pesticide Active Ingredient Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 27, 2014 (79 FR 17340)].

**§113.710. Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN).**

The Wool Fiberglass Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNN, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [July 29, 2015 (80 FR 45280)].

**§113.720. Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO).**

The Manufacture of Amino/Phenolic Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOO, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [October 8, 2014 (79 FR 60898)].

**§113.730. Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP).**

The Polyether Polyols Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPP, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 27, 2014 (79 FR 17340)].

**§113.740. Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ).**

The Primary Copper Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].



**§113.750. Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR).**

The Secondary Aluminum Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [June 13, 2016 (81 FR 38085)].

**§113.770. Primary Lead Smelting [Processing] (40 Code of Federal Regulations Part 63, Subpart TTT).**

The Primary Lead Smelting [Processing] Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [November 15, 2011 (76 FR 70834)].

**§113.780. Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU).**

The Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUU, is incorporated by

reference as amended through November 19, 2020 (85 FR 73854) [July 13, 2016 (81 FR 45232)].

**§113.790. Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV).**

The Publicly Owned Treatment Works Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VVV, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

**§113.810. Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX).**

The Ferroalloys Production: Ferromanganese and Silicomanganese Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXX, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [June 30, 2015 (80 FR 37366)].

**§113.840. Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA).**

The Municipal Solid Waste Landfills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAA, is incorporated by reference as amended through **February 14, 2022** ~~February 14, 2020~~ (87 FR 8197) [April 20, 2006 (71 FR 20446)].

**§113.860. Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC).**

The Manufacturing of Nutritional Yeast Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCC, is incorporated by reference as amended through October 16, 2017 (82 FR 48156) [February 27, 2014 (79 FR 12228)].

**§113.870. Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD).**

The Plywood and Composite Wood Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDD, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted July 30, 2004 (69 FR 45944) and amended February 16, 2006 (71 FR 8342), April 20, 2006 (71 FR 20446), and October 29, 2007 (72 FR 61060)].

**§113.880. Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE).**

The Organic Liquids Distribution (Non-Gasoline) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

**§113.890. Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF).**

The Miscellaneous Organic Chemical Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFF, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

**§113.900. Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG).**

The Solvent Extraction for Vegetable Oil Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63,

Subpart GGGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.910. Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH).**

The Wet-Formed Fiberglass Mat Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.920. Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart III).**

The Surface Coating of Automobiles and Light-Duty Trucks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart III, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [April 24, 2007 (72 FR 20227)].

**§113.930. Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ).**

The Paper and Other Web Coating Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 24, 2006 (71 FR 29792)].

**§113.940. Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK).**

The Surface Coating of Metal Cans Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKK, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [April 20, 2006 (71 FR 20446)].

**§113.960. Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM).**

The Surface Coating of Miscellaneous Metal Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2006 (71 FR 76927)].

**§113.970. Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN).**

The Surface Coating of Large Appliances Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNN, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.980. Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO).**

The Printing, Coating, and Dyeing of Fabrics and Other Textiles Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOOO, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 24, 2006 (71 FR 29792)].

**§113.990. Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP).**

The Surface Coating of Plastic Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

PPPP, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 24, 2007 (72 FR 20227)].

**§113.1000. Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ).**

The Surface Coating of Wood Building Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1010. Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR).**

The Surface Coating of Metal Furniture Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1020. Surface Coating of Metal Coil (40 Code of Federal Regulations Part [CFR] 63, Subpart SSSS).**



The Surface Coating of Metal Coil Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSS, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 17, 2003 (68 FR 12590)].

**§113.1030. Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT).**

The Leather Finishing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 7, 2005 (70 FR 6355)].

**§113.1040. Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU).**

The Cellulose Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUUU, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

**§113.1050. Boat Manufacturing (40 Code of Federal Regulations Part [CFR] 63,  
Subpart VVVV).**

The Boat Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VVVV, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [October 3, 2001 (66 FR 50504)].

**§113.1060. Reinforced Plastic Composites Production (40 Code of Federal  
Regulations Part 63, Subpart WWWW).**

The Reinforced Plastic Composites Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1070. Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63,  
Subpart XXXX).**

The Rubber Tire Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXXX, is

incorporated by reference as amended through November 19, 2020 (85 FR 73854)  
[April 20, 2006 (71 FR 20446)].

**§113.1080. Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY).**

The Stationary Combustion Turbines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart YYYY, is incorporated by reference as amended through March 9, 2022 (87 FR 13183) [April 20, 2006 (71 FR 20446)].

**§113.1090. Stationary Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ).**

The Stationary Reciprocating Internal Combustion Engines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart ZZZZ, is incorporated by reference as amended through **August 10, 2022 (87 FR 48603)** ~~December 4, 2020 (85 FR 78412)~~ [February 27, 2014 (79 FR 11228)].

**§113.1100. Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA).**

The Lime Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAA, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [April 20, 2006 (71 FR 20446)].

**§113.1110. Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBBB).**

The Semiconductor Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 22, 2008 (73 FR 42529)].

**§113.1120. Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC).**

The Coke Ovens: Pushing, Quenching, and Battery Stacks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1130. Industrial, Commercial, and Institutional Boilers and Process Heaters**

**Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD).**

The Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDDD, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [November 20, 2015 (80 FR 72790)].

**§113.1140. Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE).**

The Iron and Steel Foundries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 7, 2008 (73 FR 7210)].

**§113.1150. Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF).**

The Integrated Iron and Steel Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63,

Subpart FFFFF, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 13, 2006 (71 FR 39579)].

**§113.1160. Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG).**

The Site Remediation Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

**§113.1170. Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH).**

The Miscellaneous Coating Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHH, is incorporated by reference as amended through November 25, 2020 (85 FR 75235) [December 22, 2008 (73 FR 78199)].

**§113.1180. ~~Mercury Emissions from~~ Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIII).**

The ~~Mercury Emissions from~~ Mercury Cell Chlor-Alkali Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart IIII, is incorporated by reference as amended through **May 6, 2022 (87 FR 27002)** ~~December 28, 2020 (85 FR 84261)~~ [April 20, 2006 (71 FR 20446)].

**§113.1190. Brick [ABrick] and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ).**

The Brick and Structural Clay Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted October 26, 2015 (80 FR 65470)].

**§113.1200. Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK).**

The Clay Ceramics Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKKK, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [December 4, 2015 (80 FR 75817)].

**§113.1210. Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL).**

The Asphalt Processing and Asphalt Roofing Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1220. Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM).**

The Flexible Polyurethane Foam Fabrication Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMM, is incorporated by reference as amended through November 18, 2021 (86 FR 64385) [April 20, 2006 (71 FR 20446)].

**§113.1230. Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN).**

The Hydrochloric Acid Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNNN, is



incorporated by reference as amended through November 19, 2020 (85 FR 73854)  
[April 20, 2006 (71 FR 20446)].

**§113.1250. Engine Test Cells/Stands (40 Code of Federal Regulations Part 63,  
Subpart PTTTT).**

The Engine Test Cells/Stands Maximum Achievable Control Technology  
standard as specified in 40 Code of Federal Regulations Part 63, Subpart PTTTT, is  
incorporated by reference as amended through November 19, 2020 (85 FR 73854)  
[April 20, 2006 (71 FR 20446)].

**§113.1260. Friction Materials Manufacturing Facilities (40 Code of Federal  
Regulations Part 63, Subpart QTTTT).**

The Friction Materials Manufacturing Facilities Maximum Achievable Control  
Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart  
TTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR  
73854) [April 20, 2006 (71 FR 20446)].

**§113.1270. Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63,  
Subpart RTTTT).**

The Taconite Iron Ore Processing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1280. Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS).**

The Refractory Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSSS, is incorporated by reference as amended through November 19, 2021 (86 FR 66045) [April 20, 2006 (71 FR 20446)].

**§113.1290. Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT).**

The Primary Magnesium Refining Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

**§113.1300. Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU).**

The Coal- and Oil-Fired Electric Utility Steam Generating Units Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUUUU, is incorporated by reference as amended through September 9, 2020 (85 FR 55744) [April 6, 2016 (81 FR 20172)].

**§113.1320. Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWW).**

The Hospital Ethylene Oxide Sterilizers Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 28, 2007 (72 FR 73611)].

**§113.1350. Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZ).**

The Iron and Steel Foundries Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

ZZZZZ, is incorporated by reference as amended through September 10, 2020 (85 FR 56080) [adopted January 2, 2008 (73 FR 226)].

**§113.1370. Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBB).**

The Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [January 24, 2011 (76 FR 4156)].

**§113.1380. Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC).**

The Gasoline Dispensing Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [January 24, 2011 (76 FR 4156)].

**§113.1425. Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH).**

The Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 13, 2008 (73 FR 8408)].

**§113.1435. Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJJ).**

The Industrial, Commercial, and Institutional Boilers Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJJJ, is incorporated by reference as amended through September 14, 2016 (81 FR 63112) [February 1, 2013 (78 FR 7488)].

**§113.1445. Acrylic and Modacrylic Fibers Production Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLLL).**

The Acrylic and Modacrylic Fibers Production Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLLL, is incorporated by reference as amended through March 26, 2008 (73 FR 15923).

**§113.1450. Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMMM).**

The Carbon Black Production Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMMM, is incorporated by reference as amended through November 19, 2021 (86 FR 66096) [March 26, 2008 (73 FR 15923)].

**§113.1460. Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOOO).**

The Flexible Polyurethane Foam Production and Fabrication Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOOOOO, is incorporated by reference as amended through November 18, 2021 (86 FR 64385) [March 26, 2008 (73 FR 15923)].

**§113.1465. Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPPP).**

The Lead Acid Battery Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

PPPPPP, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 26, 2008 (73 FR 15923)].

**§113.1470. Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ).**

The Wood Preserving Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 26, 2008 (73 FR 15923)].

**§113.1475. Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR).**

The Clay Ceramics Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 26, 2007 (72 FR 73180)].

**§113.1485. Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT).**

The Secondary Nonferrous Metals Processing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 26, 2007 (72 FR 73180)].

**§113.1500. Plating and Polishing Operations Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW).**

The Plating and Polishing Operations Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [September 19, 2011 (76 FR 57913)].

**§113.1505. Nine Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX).**

The Nine Metal Fabrication and Finishing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXXXXX, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted July 23, 2008 (73 FR 42978)].



**§113.1510. Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY).**

The Ferroalloys Production Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart YYYYYY, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 23, 2008 (73 FR 78637)].

**§113.1520. Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAAA).**

The Asphalt Processing and Asphalt Roofing Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAAAA, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 18, 2010 (75 FR 12988)].

**§113.1525. Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBbbb).**

The Chemical Preparations Industry Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

BBBBBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 30, 2009 (74 FR 69194)].

**§113.1530. Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC).**

The Paints and Allied Products Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [June 3, 2010 (75 FR 31317)].

**§113.1555. Polyvinyl Chloride and Copolymers Production [Major Sources] (40 Code of Federal Regulations Part 63, Subpart HHHHHH).**

The Polyvinyl Chloride and Copolymers Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted April 17, 2012 (77 FR 22848)].

(D) Repeated failure to prepare the reports in the prescribed format. [; ø#]

(E) Other issues deemed sufficient by the medical advisor or commissioner.

(f) Prohibition. An MQRP member must [shah] not use his or her position to influence an insurance carrier, agent, or other person or entity in connection with a personal or other insurance-related [insurance related] matter beyond referring to their position to demonstrate qualifications [except as otherwise provided by this subchapter].

(g) Quality Assurance Panel.

(1) The medical advisor will [shah] establish the Quality Assurance Panel (QAP) within the MQRP. All members of the QAP are members of the MQRP. They perform all the duties of an MQRP member under Labor Code §413.0512, as well as the duties of a QAP member under Labor Code §413.05121.

(2) A member of the QAP will [shah] also be known as an Arbitrator.

(3) QAP members may provide any services to the medical advisor provided by Labor Code §§413.0512, 413.05121, and 413.05122 [§413.0512 and §413.05121], including, but not limited to:

(A) Serving [serve] as the chair to the quality assurance committee. [;]

(B) Serving [serve] as expert witnesses in enforcement actions as appropriate. [;]

(C) Providing [provide] an additional level of medical expertise and quality assurance to assist the medical advisor in the medical advisor's duties under Labor Code §413.0511. [; and]

(D) Performing [perform] medical case review if no other MQRP member is available in a specific area of expertise. In this case, the Arbitrator would be ineligible from participating in [sitting on] the informal settlement process [ISC] for the subject the Arbitrator reviewed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 28, 2022.

TRD-202202433

Kara Mace

Deputy Commissioner of Legal Services

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: August 14, 2022

For further information, please call: (512) 804-4703



## TITLE 30. ENVIRONMENTAL QUALITY

### PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

#### CHAPTER 113. STANDARDS OF PERFORMANCE FOR HAZARDOUS AIR POLLUTANTS AND FOR DESIGNATED FACILITIES AND POLLUTANTS

#### SUBCHAPTER C. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (FCAA, §112, 40 CFR PART 63)

**30 TAC §§113.100, 113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.840, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, 113.1555**

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 30 TAC Chapter 113 - Preamble is not included in the print version of the Texas Register. The figure is available in the on-line version of the July 15, 2022, issue of the Texas Register.)*

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §§113.100, 113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.840, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, and 113.1555.

Background and Summary of the Factual Basis for the Proposed Rules

The proposed rulemaking would revise Chapter 113 to incorporate by reference changes that the United States Environmental Protection Agency (EPA) has made to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, under 40 Code of Federal Regulations (CFR) Part 63. The EPA's changes to 40 CFR Part 63 include amendments

to a number of existing NESHAPs. The proposed amendments to Chapter 113 would incorporate by reference amendments that the EPA made to the NESHAP under 40 CFR Part 63 as published through March 9, 2022.

The Federal Clean Air Act (FCAA) Amendments of 1990, §112, requires the EPA to develop national technology-based standards for new and existing sources of hazardous air pollutants (HAP). The compounds which are considered to be HAP are listed in FCAA, §112(b). These technology-based standards intended to control HAP emissions are commonly called maximum achievable control technology (MACT) and generally available control technology (GACT) standards. The MACT standards are required to be based on the maximum degree of emission control that is achievable, taking into consideration cost and any non-air quality health and environmental impacts and energy requirements. GACT standards reflect a less stringent level of control (relative to MACT) and are intended to be applied to non-major sources of HAP, known as area sources. The EPA has the option to apply either MACT or GACT to area sources, at their discretion.

The proposed rulemaking would incorporate amendments the EPA promulgated to 113 existing MACT and GACT standards for a variety of source categories. Many of the standards covered in this rulemaking were amended by the EPA as a result of FCAA requirements that the EPA periodically conduct risk assessments on each source category and determine if changes are needed to reduce residual risks or address developments in applicable control technology. The EPA conducted the risk assessment and incorporated necessary changes in the November 19, 2020, *Federal Register* (FR) rule titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" and also known as the "final MM2A rule." These amendments implement the plain language reading of section 112 of the FCAA that allows a "major source" of HAP to reclassify as an "area source" at any time after acting to limit emissions below the qualifying threshold. These amendments also codify the EPA's January 25, 2018, Major MACT to Area (MM2A) policy memorandum that reversed the 1995 "Once In, Always In" policy, which made all major source designations permanent regardless of whether emission reductions lowered facility emissions of HAP to less than major source thresholds. This final action included amendments to the 40 CFR Part 63, Subpart A, General Provisions, applicability tables contained within most subparts of 40 CFR Part 63 to add a reference to the new provision in 40 CFR §63.1(c)(6) concerning reclassification. Also, there are revisions to several NESHAP subparts by removing the date limitation after which a major source cannot become an area source. The amendments also clarify and update work practice standards, compliance dates, recordkeeping, monitoring, reporting, and notification, including electronic notification. Some standards were also revised by the EPA in order to remove startup, shutdown, and malfunction (SSM)-related affirmative defense provisions, which were vacated in *Sierra Club v. Environmental Protection Agency*, 551 F.3d 1019 (D.C. Cir. 2008).

Under federal law, affected industries are required to implement the MACT and GACT standards regardless of whether the commission or the EPA is the agency responsible for implementation. As MACT and GACT standards are promulgated or amended by the EPA, the standards are reviewed by commission staff for compatibility with current commission regulations and policies. The commission then incorporates the standards, as appropriate, into Chapter 113 through formal rulemaking procedures. Unless otherwise noted, all incorporations by reference

proposed in this rulemaking are without change (meaning that the standards are incorporated as published in the CFR, with no modifications to the text of the regulation being incorporated). After each MACT or GACT standard or amendment is adopted, the commission would seek formal delegation from the EPA under 40 CFR Part 63, Subpart E, Approval of State Programs and Delegation of Federal Authorities, which implements FCAA, §112(l). Upon delegation, the commission would be responsible for administering and enforcing the MACT or GACT requirements.

The commission proposes to incorporate the following amendments that the EPA has made to the 40 CFR Part 63, General Provisions, List of HAP, and the federal MACT and GACT standards previously delegated and incorporated into the commission rules, by updating the federal promulgation dates and FR citations stated in the commission rules, as discussed more specifically in the Section by Section Discussion in this preamble. The 113 amended NESHAP that were delegated by the EPA effective March 13, 2018, along with their corresponding Chapter 113 sections and latest incorporation dates, are listed in the following table (Figure: 30 TAC Chapter 113 - Preamble).

Figure: 30 TAC Chapter 113 - Preamble

The EPA is continually in the process of revising 40 CFR Part 63 MACT and GACT regulations, and the EPA may adopt additional changes to certain standards after the proposal date of this rulemaking. The commission provides notice that in addition to the changes specifically described in the Section by Section Discussion portion of this preamble, the commission would consider the incorporation by reference (IBR) of any final amendments made by the EPA after the date the revisions to Chapter 113 are proposed. The commission solicits comment on the IBR of all final actions by the EPA, whether or not specifically identified in this notice, to facilitate state delegation and implementation of the final NESHAP. The adoption may include additional amendments incorporating by reference to 40 CFR Part 63, Subparts, which were published by the EPA after the proposal documents were prepared. The additional amendments may include sections listed under the Section by Section Discussion of this preamble: §113.180 (40 CFR Part 63, Subpart M), §113.200 (40 CFR Part 63, Subpart O), §113.740 (40 CFR Part 63, Subpart QQQ), §113.890 (40 CFR Part 63, Subpart FFFF), §113.1000 (40 CFR Part 63, Subpart QQQQ), §113.1130 (40 CFR Part 63, Subpart DDDDD), §113.1180, (40 CFR Part 63, Subpart II-III), §113.1290 (40 CFR Part 63, Subpart TTTTT), §113.1300 (40 CFR Part 63, Subpart UUUUU), §113.1425 (40 CFR Part 63, Subpart HHHHHH), §113.1465 (40 CFR Part 63, Subpart PPPPPP), §113.1470 (40 CFR Part 63, Subpart QQQQQQ), and §113.1555 (40 CFR Part 63, Subpart HHHHHHH). The amendments may also include sections not included in the Section by Section Discussion of this preamble, but published in the *Federal Register*: §113.1390 (40 CFR Part 63, Subpart DDDDDD) and §113.1400 (40 CFR Part 63, Subpart EEEEEEE).

Section by Section Discussion

Throughout this section, the FR citations reference the first page of the notices and the accompanying publication dates.

§113.100, *General Provisions* (40 Code of Federal Regulations Part 63, Subpart A)

The commission proposes to amend §113.100 by incorporating by reference all amendments to 40 CFR Part 63, Subpart A, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart A, on August 30, 2016 (81 FR 59800), November 14, 2018 (83 FR 56713), July 17, 2019

(84 FR 34067), August 23, 2019 (84 FR 44225), July 6, 2020 (85 FR 40386), October 7, 2020 (85 FR 63394), November 19, 2020 (85 FR 73854), March 11, 2021 (86 FR 13819), and November 19, 2021 (86 FR 66038), (86 FR 66045), and (86 FR 66096).

The August 30, 2016, amendments revised 40 CFR §63.7(c)(2)(iii)(A) to add Methods 30A and 30B to the list of methods not requiring the use of audit samples. The amendments also revised 40 CFR §63.7(g)(2) to require the reporting of specific emissions test data in test reports, to modify the list of data elements to provide clarity, and to define and limit the extent of elements reported for each test method included in a test report. Additionally, the amendments revised Appendix A of 40 CFR Part 63, Method 320, §§13.1, 13.4, and 13.4.1 to indicate the correct Method 301 reference.

The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions to improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, 40 CFR §§63.7(g)(2), 63.7(g)(2)(v), and 63.8(e)(5)(i) were revised to require the reporting of specific test data for continuous monitoring system performance evaluation tests and ongoing quality assurance tests. These data elements are required in electronic and paper reports. These modifications ensure that performance evaluation and quality assurance test reporting include all data necessary for the compliance authority to assess and assure the quality of the reported data and that the reported information describes and identifies the specific unit covered by the evaluation test report.

The July 17, 2019, amendment revised 40 CFR §63.13(a) to change the address for EPA's Region I office for submitting certain air program reports to the EPA Region I states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont once the state is delegated. Although the change in the EPA's Region I mailing address does not affect states in EPA Region VI such as Texas, it is administratively more efficient to include this amendment than to specifically exclude it. The August 23, 2019, amendment revised 40 CFR §63.13(a) to reflect a change in address and organization name for EPA's Region 6 office, which includes Texas.

The July 6, 2020, amendments revised 40 CFR §63.14, Incorporation by Reference, by revising, redesignating, and adding paragraphs to update regulations based on the corresponding revisions to the Ethylene Production source category regulated under the NESHAP.

The October 7, 2020, amendments corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures to provide flexibility to testers. Specifically, 40 CFR §63.2 revised the definition of "alternative test method" to exclude "a test method in this chapter" because this clarified that use of methods other than those required by a specific subpart required the alternative test method review and approval process.

The November 19, 2020, amendments finalized revisions to the General Provisions that apply to NESHAP regulations in 40 CFR Part 63, Subpart A. The amendments altered 40 CFR §63.1, the applicability section, to explicitly state that a major source may become an area source at any time upon reducing potential to emit to below the major source thresholds of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP.

Specifically, the amendments added 40 CFR §63.1(c)(6), which includes a major source reclassifying to area source status remains subject to any applicable major source NESHAP requirements until the reclassification becomes effective. This section also clarified that sources may move from major to area source, then back to major again. The amendment to 40 CFR §63.2 included an interim ministerial revision to the definition "potential to emit" by removing the word "federally" from the phrase "federally enforceable." This interim ministerial revision is consistent with the court decision in *National Mining Association (NMA) v. EPA*, 59 F.3d 1351, 1363-1365 (D.C. Cir. 1995) that directed EPA to explain how federal enforceability enhanced effectiveness. This revision is also consistent with the EPA's long-standing policy that allows for any physical or operational limitation on the capacity of the stationary source to emit a pollutant to be treated as part of the source's design if the limitation or the effect it would have on emissions is, first, either federally enforceable or legally enforceable by a state or local permitting authority and, second, practicably enforceable. Also, amendments to this subpart clarified compliance dates, notification, and recordkeeping and reporting, including electronic reporting.

The March 11, 2021, amendments reflect a court order regarding the General Provisions for NESHAP issued on December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions in the General Provisions that exempted sources from HAP nonopacity and opacity emission standards during periods of SSM. The court held that under the FCAA, emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement. This ministerial action revises these two NESHAP General Provisions in the CFR to conform to the court's order. Specifically, this rule is amending the CFR to reflect the 2008 court decision in *Sierra Club v. EPA* vacating 40 CFR §63.6(f)(1) and (h)(1). Removal of the two SSM exemptions in the General Provisions of the NESHAP at 40 CFR §63.6(f)(1) and (h)(1) has no legal effect beyond fulfilling the court's vacatur in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008) and is ministerial in nature. The court issued the mandate for its decision on October 16, 2009, at which point the vacatur became effective.

The November 19, 2021, amendments in 86 FR 66038 revised 40 CFR §63.14(n)(1) to correct publishing date of reference materials for use with 40 CFR §§63.3130(c), 63.3161(d) and (g), 63.3165(e), and Appendix A of 40 CFR Part 63, Subpart IIII. The November 19, 2021, amendments included in 86 FR 66045 revised 40 CFR §63.14 to incorporate by reference revised paragraphs, redesignated paragraphs, and added new paragraph regarding reference materials and test methods for use with 40 CFR Part 63, Subpart SSSSS. The November 19, 2021, amendments in 86 FR 66096 revised 40 CFR §63.14 to incorporate various test methods for use with 40 CFR Part 63, Subpart YY. (Editorial Notes: At 86 FR 66062, (cited as 86 FR 66045), and at 86 FR 66121, (cited as 86 FR 66096), November 19, 2021, in §63.14, paragraph (h) was amended by redesignating and adding new paragraphs; however, the redesignations and additions could not be performed because (h)(117) and (118) do not exist. These amendments could not be incorporated due to inaccurate amendatory instructions.)

§113.106, *List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C)*

The commission proposes to amend §113.106 by incorporating by reference all amendments to 40 CFR Part 63, Subpart C, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart C, on January 5, 2022 (87 FR 393). The January 5, 2022, amendment added the substance 1-bromopropane or 1-BP, also known as n-propyl bromide or nPB (CAS No. 106-94-5), to the list of HAP established under FCAA §112(b)(1).

*§113.110, Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F)*

The commission proposes to amend §113.110 by incorporating by reference all amendments to 40 CFR Part 63, Subpart F, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart F, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 3 of 40 CFR Part 63, Subpart F, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.120, Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G)*

The commission proposes to amend §113.120 by incorporating by reference all amendments to 40 CFR Part 63, Subpart G, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart G, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.151(b)(2)(i)-(iii) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1A of 40 CFR Part 63, Subpart G, by limiting 40 CFR §63.9 notification requirements to applicability, initial notifications, request for extension of compliance, notification that source is subject to special compliance requirements, change of information already provided, and electronic submission of notifications or reports.

*§113.130, Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H)*

The commission proposes to amend §113.130 by incorporating by reference all amendments to 40 CFR Part 63, Subpart H, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart H, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.182(b)(2)(i)-(iii) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 4 of 40 CFR Part 63, Subpart H, by limiting 40 CFR §63.9 notification requirements to applicability, initial notifications, request for extension of compliance, notification that source is subject to special compliance requirements, change of information already provided, and electronic submission of notifications or reports.

*§113.170, Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L)*

The commission proposes to amend §113.170 by incorporating by reference all amendments to 40 CFR Part 63, Subpart L, since this section was last amended. During this period, the EPA amended 40 CFR Part 63, Subpart L, on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.311(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified that a source that reclassifies to an area source must follow the notification procedures of 40 CFR §63.9(j) regarding the provision for change in information already provided and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports.

*§113.180, Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M)*

The commission proposes to amend §113.180 by incorporating by reference all amendments to 40 CFR Part 63, Subpart M, since this section was last amended. During this period, the EPA amended Subpart M on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.324(g) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified that an owner or operator of a dry cleaning facility that reclassifies from a major source to an area source must follow the procedures of 40 CFR §63.9(j) regarding the provision for change in information already provided and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports.

*§113.190, Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N)*

The commission proposes to amend §113.190 by incorporating by reference all amendments to 40 CFR Part 63, Subpart N, since this section was last amended. During this period, the EPA amended Subpart N on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.347(c)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart N, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.200, Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O)*

The commission proposes to amend §113.200 by incorporating by reference all amendments to 40 CFR Part 63, Subpart O, since this section was last amended. During this period, the EPA amended Subpart O on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments, revised Table 1 of 40 CFR §63.360, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.220, Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q)*

The commission proposes to amend §113.220 by incorporating by reference all amendments to 40 CFR Part 63, Subpart Q, since this section was last amended. During this period, the EPA

amended Subpart Q on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.405(a)(1) and (2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart Q, by limiting 40 CFR §63.9, notification requirements, to applicability; initial notifications; request for extension compliance; notification of compliance status (NOCS); change in information already provided; and electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.230, Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63, Subpart R)*

The commission proposes to amend §113.230 by incorporating by reference all amendments to 40 CFR Part 63, Subpart R, since this section was last amended. During this period, the EPA amended Subpart R on November 19, 2020 (85 FR 73854) and December 4, 2020 (85 FR 78412). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart R, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 4, 2020, amendments streamlined existing fuel quality regulations, including removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. The amendments revised 40 CFR §63.421 by changing the definitions for "oxygenated gasoline" and "reformulated gasoline" to mean the same as defined in 40 CFR §80.2.

The commission also proposes to amend the title of §113.230 to "Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (40 Code of Federal Regulations Part 63, Subpart R)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart R.

*§113.240, Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S)*

The commission proposes to amend §113.240 by incorporating by reference all amendments to 40 CFR Part 63, Subpart S, since this section was last amended. During this period, the EPA amended Subpart S on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised 40 CFR §63.455(a) regarding the provision for the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart S, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.250, Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T)*

The commission proposes to amend §113.250 by incorporating by reference all amendments to 40 CFR Part 63, Subpart T, since this section was last amended. During this period, the EPA amended Subpart T on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.468(a), (b), (c), and (d) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Appendix B of 40 CFR Part 63, Subpart T, by adding

40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.260, Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U)*

The commission proposes to amend §113.260 by incorporating by reference all amendments to 40 CFR Part 63, Subpart U, since this section was last amended. During this period, the EPA amended Subpart U on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart U, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.280, Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W)*

The commission proposes to amend §113.280 by incorporating by reference all amendments to 40 CFR Part 63, Subpart W, since this section was last amended. During this period, the EPA amended Subpart W on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart W, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. Additionally, the table amendments specified that 40 CFR §63.1(c)(6) and 40 CFR §63.9(k) apply to basic liquid epoxy resins (BLR), wet strength resins (WSR), and WSR alternative standard and BLR equipment leak standard (40 CFR Part 63, Subpart H).

*§113.290, Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X)*

The commission proposes to amend §113.290 by incorporating by reference all amendments to 40 CFR Part 63, Subpart X, since this section was last amended. During this period, the EPA amended Subpart X on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart X, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.300, Marine Vessel Loading (40 Code of Federal Regulations Part 63, Subpart Y)*

The commission proposes to amend §113.300 by incorporating by reference all amendments to 40 CFR Part 63, Subpart Y, since this section was last amended. During this period, the EPA amended Subpart Y on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.567(b)(2) and (3) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR §63.560, Subpart Y, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title of §113.300 to "Marine Tank Vessel Loading Operations" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart Y.

*§113.320, Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA)*

The commission proposes to amend §113.320 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AA, since this section was last amended. During this period, the EPA amended Subpart AA on September 28, 2017 (82 FR 45193), November 3, 2020 (85 FR 69508), and November 19, 2020 (85 FR 73854). The September 28, 2017, amendments included the EPA's reconsiderations of the residual risk and technology review (RTR) for the Phosphoric Acid Manufacturing source category. In response to two petitions concerning the August 19, 2015 RTR, the EPA revised the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric acid process lines; revised the compliance date for the monitoring requirements for low-energy absorbers; clarified the blower design capacity option; and added the regression model option to the monitoring requirements for low-energy absorbers. The November 3, 2020, amendments finalized the NESHAP for the Phosphoric Acid Manufacturing source category. The amendments are in response to a petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015. That emission limit was based on the MACT floor for existing sources for one facility, so the MACT floor did not accurately reflect the average emission limitation achieved by the units used to set the standard. Therefore, EPA revised the mercury MACT floor for existing calciners. The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart AA, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.330, Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB)*

The commission proposes to amend §113.330 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BB, since this section was last amended. During this period, the EPA amended Subpart BB on September 28, 2017 (82 FR 45193) and November 19, 2020 (85 FR 73854). The September 28, 2017, amendments included the EPA's reconsiderations of the RTR for the Phosphoric Acid Manufacturing and Phosphate Fertilizer Production source categories. In response to two petitions concerning the August 19, 2015 RTR, the EPA revised the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric process lines; revised the compliance date for the monitoring requirements for low-energy absorbers; clarified the blower design capacity option; and added the regression model option to the monitoring requirements for low-energy absorbers (40 CFR Part 63, Subparts AA and BB). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart BB, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.340, Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC)*

The commission proposes to amend §113.340 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CC, since this section was last amended. During this period, the EPA amended Subpart CC on November 26, 2018 (83 FR 60696), February 4, 2020 (85 FR 6064), and November 19, 2020 (85 FR 73854). The November 26, 2018, amendments revised NESHAP Refinery MACT 1 (40 CFR Part 63, Subpart CC), MACT 2 (40 CFR Part 63, Subpart UUU), and New Source Performance Standards (NSPS) for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting. Also, the amendments revised the compliance date of the requirements for existing maintenance vents. The February 4, 2020, amendments reconsidered the December 1, 2015, Petroleum Refinery Sector RTR and NSPS. The amendments clarified a compliance issue and corrected errors published on November 26, 2018. Specifically, amendments revised 40 CFR §63.640(p)(2) and §63.648 regarding equipment leaks; 40 CFR §63.641 definition for "reference control technology for storage vessels"; 40 CFR §63.643(c)(1)(v) regarding miscellaneous process vents; 40 CFR §63.655 regarding reporting and recordkeeping; 40 CFR §63.660(i)(2)(iii) regarding storage vessels; and 40 CFR §63.670(d)(2) regarding flare control devices. The November 19, 2020, amendments revised Appendix of 40 CFR Part 63, Subpart CC, Table 1, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.350, Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD)*

The commission proposes to amend §113.350 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DD, since this section was last amended. During this period, the EPA amended Subpart DD on January 29, 2018 (83 FR 3986) and November 19, 2020 (85 FR 73854). The January 29, 2018, amendments finalized the NESHAP for Off-Site Waste and Recovery Operations (OSWRO). The amendments removed the additional monitoring requirements for pressure relief devices (PRD) on containers that resulted from the RTR 2015 amendments because EPA's reconsideration determined that the additional monitoring requirements are not necessary. The PRD inspection and monitoring requirements already included in the OSWRO NESHAP are effective and sufficient. The November 19, 2020, amendments to 40 CFR §63.697(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart DD, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.360, Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE)*



The commission proposes to amend §113.360 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EE, since this section was last amended. During this period, the EPA amended Subpart EE on November 19, 2020 (85 FR 73854) and December 28, 2020 (85 FR 84261). The November 19, 2020, amendments to Table 1 of 40 CFR Part 63, Subpart EE, revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 entry for 40 CFR §63.9(b)(2), which further explains initial notification. Additionally, the amendments revised Table 1 by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. Specifically, the November 19, 2020, rule instruction 37 included an amendment to Table 1 of 40 CFR Part 63, Subpart EE, to revise 40 CFR §63.9(b)(2); however, there is no such entry in Table 1. Therefore, the December 28, 2020, rule instruction 37 was corrected by removing the amendatory text and the entry for 40 CFR §63.9(b)(2) from Table 1.

*§113.380, Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG)*

The commission proposes to amend §113.380 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GG, since this section was last amended. During this period, the EPA amended Subpart GG on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 to 40 CFR Part 63, Subpart GG, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.390, Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH)*

The commission proposes to amend §113.390 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HH, since this section was last amended. During this period, the EPA amended Subpart HH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR §63.760(a)(1); revised 40 CFR §63.775(c)(1) so the initial notification requirements are no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements; and amended Appendix of 40 CFR Part 63, Subpart HH, Table 2, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.400, Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II)*

The commission proposes to amend §113.400 by incorporating by reference all amendments to 40 CFR Part 63, Subpart II, since this section was last amended. During this period, the EPA amended Subpart II on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 to 40 CFR Part 63, Subpart II, by removing 40 CFR §63.9(i)-(j) and adding

40 CFR §63.9(i)-(k); and limiting 40 CFR §63.9(k) to 40 CFR §63.9(j) specifications.

*§113.410, Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ)*

The commission proposes to amend §113.410 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJ, since this section was last amended. During this period, the EPA amended Subpart JJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart JJ, by revising the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Specifically, the amendments revised Table 1 by amending 40 CFR §63.9(b) to require existing sources to submit initial notification report within 270 days of the effective date or no later than 120 days after the source becomes subject to this subpart, whichever is later; adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.420, Printing and Publishing (40 Code of Federal Regulations Part 63, Subpart KK)*

The commission proposes to amend §113.420 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KK, since this section was last amended. During this period, the EPA amended Subpart KK on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.830(b)(1)(i) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart KK, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title and rule reference in §113.420 to "Printing and Publishing Industry (40 Code of Federal Regulations Part 63, Subpart KK)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart KK.

*§113.430, Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL)*

The commission proposes to amend §113.430 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LL, since this section was last amended. During this period, the EPA amended Subpart LL on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart LL, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.440, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations Part 63, Subpart MM)*

The commission proposes to amend §113.440 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MM, since this section was last amended. During this period, the EPA amended Subpart MM on October 11, 2017 (82 FR 47328), November 5, 2020 (85 FR 70487), and November 19,

2020 (85 FR 73854). The October 11, 2017, amendments completed the RTR for the chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills regulated under the NESHAP. The amendments are based on developments in practices, processes, and control technologies identified as part of the technology review. The amendments included revisions to the opacity monitoring provisions; the addition of requirements to maintain proper operation of the electrostatic precipitator automatic voltage control required facilities to conduct five-year periodic emissions testing and submit electronic reports; the elimination of the SSM exemptions; and technical and editorial changes. The November 5, 2020, amendments clarified how to set operating limits for smelt dissolving tank scrubbers used at these mills and corrected cross-reference errors. In 40 CFR §63.861, Definitions, the amendments revised the term "modification" and added the term "no-load fan amperage." The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart MM, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.500, Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS)*

The commission proposes to amend §113.500 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SS, since this section was last amended. During this period, the EPA amended Subpart SS on July 6, 2020 (85 FR 40386). The July 6, 2020, amendments finalized the RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM; clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category and reduced excess emissions of HAP from flares.

*§113.510, Equipment Leaks - Control Level 1 (40 CFR 63, Subpart TT)*

The commission proposes to amend the title of §113.510 to "Equipment Leaks - Control Level 1 (40 Code of Federal Regulations Part 63, Subpart TT)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.520, Equipment Leaks - Control Level 2 (40 CFR 63, Subpart UU)*

The commission proposes to amend the title of §113.520 to "Equipment Leaks - Control Level 2 (40 Code of Federal Regulations Part 63, Subpart UU)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

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

The commission proposes to amend the title of §113.540 to "Storage Vessels (Tanks) - Control Level 2 (40 Code of Federal Regulations Part 63, Subpart WW)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

*§113.550, Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX)*

The commission proposes to amend §113.550 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XX, since this section was last amended. During this period, the EPA amended Subpart XX on July 6, 2020 (85 FR 40386). The July 6, 2020, amendments finalized the RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM, and clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category by 29 tpy and reduced excess emissions of HAP from flares by an additional 1,430 tpy.

*§113.560, Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)*

The commission proposes to amend §113.560 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YY, since this section was last amended. During this period, the EPA amended Subpart YY on July 6, 2020 (85 FR 40386), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66096). The July 6, 2020, amendments finalized the EPA's RTR conducted for the Ethylene Production source category. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM and clarified vent control bypasses; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. These amendments reduced HAP emissions from this source category and reduced excess emissions of HAP from flares. The November 19, 2020, amendments revised 40 CFR §63.1100(b), Applicability, to owners or operators, including sources that reclassify from major source to area source status. The November 19, 2021, amendments finalized the EPA's RTR conducted for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories regulated under NESHAP. New emissions standards for the were added. The EPA also finalized amendments for both source categories that removed the SSM exemptions; and required electronic reporting of certain notifications, performance test results, and semiannual reports.

The commission also proposes to amend the title and rule reference in §113.560 to "Source Categories: Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart YY.

*§113.600, Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC)*

The commission proposes to amend §113.600 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCC, since this section was last amended. During this period, the EPA amended Subpart CCC on November 19, 2020 (85

FR 73854). The November 19, 2020, amendments to 40 CFR §63.1163(a)(3) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart CCC, by adding 40 CFR §63.9(j) regarding the provision for notification requirements to a change in information already provided, limited to a change to major source status; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.610, Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD)*

The commission proposes to amend §113.610 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DDD, since this section was last amended. During this period, the EPA amended Subpart DDD on November 19, 2020 (85 FR 73854) and December 28, 2020 (85 FR 84261). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart DDD, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected the final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. This action corrected inadvertent typographical errors and redundant text. The corrections did not affect the substantive requirements of the final rule implementing the plain language reading of the "major source" and "area source" definitions of FCAA, §112. Specifically, the final MM2A rule instruction 51 amended Table 1 of 40 CFR Part 63, Subpart DDD, by adding 40 CFR §63.1(c)(6); however, this addition was unnecessary as Table 1 has another entry including that provision. Rule instruction 51 was corrected by adding 40 CFR §63.9(k) and removing 40 CFR §63.1(c)(6). Further, the entry for 40 CFR §63.1(c)(6) was removed from Table 1.

*§113.620, Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE)*

The commission proposes to amend §113.620 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEE, since this section was last amended. During this period, the EPA amended Subpart EEE on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart EEE, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The commission also proposes a minor editorial revision to §113.620 to correct existing rule text by making "Combustor" plural.

*§113.640, Pharmaceuticals Production (40 Code of Federal Regulations Part 63, Subpart GGG)*

The commission proposes to amend §113.640 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGG, since this section was last amended. During this period, the EPA amended Subpart GGG on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart GGG, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for change in information provided, limited for change in major source status only; and adding 40 CFR §63.9(k) regarding the

provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.650, Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH)*

The commission proposes to amend §113.650 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHH, since this section was last amended. During this period, the EPA amended Subpart HHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR Part 63, Subpart HHH, §63.1270(a) and revised the initial notification requirements in 40 CFR §63.1270(a) so the notification is submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Appendix of 40 CFR Part 63, Subpart HHH, Table 2, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.660, Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III)*

The commission proposes to amend §113.660 by incorporating by reference all amendments to 40 CFR Part 63, Subpart III, since this section was last amended. During this period, the EPA amended Subpart III on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart III, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.670, Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ)*

The commission proposes to amend §113.670 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJ, since this section was last amended. During this period, the EPA amended Subpart JJJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart JJJ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) regarding the provision for change in information provided, limited for change in major source status only; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.690, Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL)*

The commission proposes to amend §113.690 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LLL, since this section was last amended. During this period, the EPA amended Subpart LLL on June 23, 2017 (82 FR 28562), August 22, 2017 (82 FR 39671), July 25, 2018 (83 FR 35122), August 3, 2018 (83 FR 38033), October 7, 2020 (85 FR 63394), and November 19, 2020 (85 FR 73854). The June 23, 2017, amendment provided a compliance alternative for sources that would otherwise be required to use a hydrogen chloride (HCl) continuous emissions monitoring systems (CEMS) to demonstrate compliance with the HCl emissions limit. This compliance alternative was needed due to the unavailability of the HCl calibration gases used for CEMS quality assurance purposes. The August 22, 2017, amendments removed the provisions that were added in

the June 23, 2017, direct final rule, and restored the provisions that were deleted in that rule. The July 25, 2018, amendments finalized the RTR. The amendments corrected and clarified other rule requirements and provisions. The August 3, 2020, amendments corrected the to the July 25, 2018, publication of the RTR. Specifically, the Table 1 "Requirement" column was corrected to "Due Dates for Excess Emissions and CMS Performance Reports" and the "Applies to Subpart LLL" column to "No." The October 7, 2020, amendments corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updated outdated procedures, and approved alternative procedures that provided flexibility to testers. These revisions improved the quality of data and did not impose any new substantive requirements on source owners or operators. Specifically, 40 CFR Part 63, Subpart LLL, Portland Cement Manufacturing, the units of measurement in Equations 12, 13, 17, 18, and 19 were revised to add clarity and consistency. Equations 12 and 13 were corrected so that the operating limit units of measurement was calculated correctly. The calculation of the operating limit was established by a relationship of the total hydrocarbons (THC) CEMS signal to the organic HAP compliance concentration. In Table 1 of 40 CFR Part 63, Subpart LLL, the THC and organic HAP emissions limits units were in parts per million (by) volume, dry (ppmvd) corrected to 7% oxygen. Therefore, the average organic HAP values in equation 12 needed to be in ppmvd, corrected to 7% oxygen, instead of parts per million by volume-wet (ppmvw). The THC CEMS monitor units of measure are ppmvw, as propane and the variables are updated to reflect this. The variables in Equations 13 and 19 reference variables in Equations 12 and 18, respectively. Those variables are updated for consistency between the equations. The units of measurement in Equation 17 should be the monitoring system's units of measure. It is possible for those systems to be on either a wet or a dry basis. The equation was only on a wet basis, even though it should be on the basis of the monitor (wet or dry). The changes to the units of measure from ppmvw to parts per million by volume (ppmv) takes either possibility into account. For Equations 17 and 18, the operating limit units of measure were changed to the units of the CEMS monitor, ppmv. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart LLL, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.700, Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM)*

The commission proposes to amend §113.700 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMM, since this section was last amended. During this period, the EPA amended Subpart MMM on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart MMM, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising 40 CFR §63.9(j) change in information provided, limited for change in major source status only, 40 CFR §63.1368(h) specifies procedures for other notification of changes; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.710, Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN)*

The commission proposes to amend §113.710 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNN, since this section was last amended. During this period, the EPA amended Subpart NNN on December 26, 2017 (82 FR 60873), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The December 26, 2017, amendments finalized the EPA's RTR conducted for the Wool Fiberglass Manufacturing source category. The amendments to Subpart NNN included RTR readopting the existing emission limits for formaldehyde; establishing emission limits for methanol; adding a work practice standard for phenol emissions from bonded rotary spin lines at wool fiberglass manufacturing facilities; revising emission standards promulgated on July 29, 2015, for flame attenuation (FA) lines at wool fiberglass manufacturing facilities by creating three subcategories of FA lines; and establishing emission limits for formaldehyde and methanol emissions; and either emission limits or work practice standards for phenol emissions for each subcategory of FA lines. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart NNN, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected redundant text that appeared in the *Federal Register* at 85 FR 73854 on November 19, 2020. Specifically, the amendments revised Table 1 of 40 CFR Part 63, Subpart NNN, by correcting rule instruction 60 to remove the addition of 40 CFR §63.1(c)(6) because it was unnecessary as Table 1 had another entry including that provision.

*§113.720, Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO)*

The commission proposes to amend §113.720 by incorporating by reference all amendments to 40 CFR Part 63, Subpart OOO, since this section was last amended. During this period, the EPA amended Subpart OOO on October 15, 2018 (83 FR 51842) and November 19, 2020 (85 FR 73854). The October 15, 2018, amendments reconsidered the EPA's October 8, 2014, RTRs conducted for the Acrylic and Modacrylic Fibers Production, Amino/Phenolic Resins (APR) Production and Polycarbonate Production source categories. The amendments revised the MACT standard for continuous process vents (CPV) at existing affected sources; extended the compliance date for CPV at existing sources; revised the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance; and included five minor technical rule corrections to improve the clarity of the APR NESHAP. The amendments did not reopen any other aspects of the October 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the October 2014 rule. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart OOO, by adding §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising §63.9(j) regarding the provision for a change in information provided, limited for change in major source status only; and adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.730, Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP)*

The commission proposes to amend §113.730 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPP,

since this section was last amended. During this period, the EPA amended Subpart PPP on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.1434(d) and (e), and §63.1439(e)(3)(ii)(B) and (C) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also clarified the 40 CFR §63.1439(e) recordkeeping and reporting requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status, including a requirement for electronic notification. Further, the amendments revised Table 1 of 40 CFR Part 63, Subpart PPP, by adding §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; revising §63.9(j) regarding the provision for a change in information provided, limited for change in major source status only; and adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.740, Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ)*

The commission proposes to amend §113.740 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQ, since this section was last amended. During this period, the EPA amended Subpart QQQ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source from 40 CFR §63.1441; and revised the initial notification requirements in 40 CFR §63.1454(b) so the notification shall be submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.750, Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR)*

The commission proposes to amend §113.750 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRR, since this section was last amended. During this period, the EPA amended Subpart RRR on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Appendix A of 40 CFR Part 63, Subpart RRR, by adding 40 CFR §63.1(c)(6), regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.770, Primary Lead Processing (40 Code of Federal Regulations Part 63, Subpart TTT)*

The commission proposes to amend §113.770 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTT, since this section was last amended. During this period, the EPA amended Subpart TTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart TTT, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title and rule reference in §113.770 to "Primary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart TTT)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart TTT.

*§113.780, Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU)*

The commission proposes to amend §113.780 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUU, since this section was last amended. During this period, the EPA amended Subpart UUU on November 26, 2018 (83 FR 60696), February 4, 2020 (85 FR 6064), and November 19, 2020 (85 FR 73854). The November 26, 2018, amendments revised MACT 2 (Subpart UUU) and NSPS for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting. Also, the amendments revised the compliance date of the requirements for existing maintenance vents from August 1, 2017 to December 26, 2018. The February 4, 2020, amendments reconsidered the EPA's December 1, 2015 RTR and NSPS. Also, the amendments clarified a compliance issue raised by stakeholders subject to the rule, corrected referencing errors, and corrected publication errors associated with amendments to the final rule which were published on November 26, 2018. The November 19, 2020, amendments to 40 CFR §63.1574(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 44 of 40 CFR Part 63, Subpart UUU, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.790, Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV)*

The commission proposes to amend §113.790 by incorporating by reference all amendments to 40 CFR Part 63, Subpart VVV, since this section was last amended. During this period, the EPA amended Subpart VVV on October 26, 2017 (82 FR 49513) and November 19, 2020 (85 FR 73854). The October 26, 2017, amendments finalized the EPA's RTR. The amendments included revisions to names and definitions of the subcategories; the applicability criteria; regulatory provisions pertaining to emissions during periods of SSM, including removing general exemptions for SSM; initial notification requirements for existing Groups 1 and 2 Publicly Owned Treatment Works (POTW); requirements for new Group 1 POTW; requirements for electronic reporting; and other miscellaneous edits and technical corrections. The November 19, 2020, amendments to 40 CFR §63.1591(a)(1) and (2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 1 of 40 CFR Part 63, Subpart VVV, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.810, Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX)*

The commission proposes to amend §113.810 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXX, since this section was last amended. During this period, the EPA amended Subpart XXX on January 18, 2017 (82 FR 5401) and November 19, 2020 (85 FR 73854). The January 18, 2017, amendments reconsidered the EPA's June 30, 2015 RTR. The amendments revised the rule to allow existing facilities with positive pressure baghouses to perform visible emissions (VE) monitoring twice daily as an alternative to installing and operating

bag leak detection systems to ensure the baghouses are operating properly. The amendments maintained the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits; however, the revised rule references the recently updated version of the DCOT method. The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart XXX, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.840, Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA)*

The commission proposes to amend §113.840 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAA, since this section was last amended. During this period, the EPA amended Subpart AAAA on March 26, 2020 (85 FR 17244), October 13, 2020 (85 FR 64398), and February 14, 2022 (87 FR 8197). The March 26, 2020, amendments finalized EPA's RTR. The amendments corrected and clarified SSM by removing general exemptions; revised wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganized rule text to incorporate provisions from the NSPS within this subpart; and added requirements for electronic reporting of performance test results. The amendments also included minor changes to the Municipal Solid Waste (MSW) Landfills NSPS and Emission Guidelines and Compliance Times for MSW Landfills. Specifically, the amendments included the most recent MSW Landfills NSPS and emission guidelines that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. The October 13, 2020, amendments corrected the March 26, 2020 RTR by revising inadvertent errors in the cross-referencing and formatting in the FR; and clarifying the two operational and reporting requirements. The February 14, 2022, amendments finalized EPA's technical revisions and clarifications for the NESHAP for MSW Landfills established in the March 26, 2020, final rule. The EPA clarified the following: Wellhead monitoring requirements for the purpose of identifying excess air infiltration; delegation of authority to state, local, or tribal agencies for "emission standards;" applicability of the General Provisions to affected MSW landfills; and handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks, and adjustments. The EPA also made some minor typographical corrections.

*§113.860, Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC)*

The commission proposes to amend §113.860 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCC, since this section was last amended. During this period, the EPA amended Subpart CCCC on October 16, 2017 (82 FR 48156). The October 16, 2017, amendments finalized EPA's RTR. The amendments revised the form of the volatile organic compounds standards for fermenters; removed the option to monitor brew ethanol; added ongoing relative accuracy test audit (RATA); and revised other monitoring, reporting, and recordkeeping requirements.

*§113.870, Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD)*

The commission proposes to amend §113.870 by incorporating by reference all amendments to 40 CFR Part 63, Subpart DDDD,

since this section was last amended. During this period, the EPA amended Subpart DDDD on August 13, 2020 (85 FR 49434), August 21, 2020 (85 FR 51668), and November 19, 2020 (85 FR 73854). The August 13, 2020, amendments finalized EPA's RTR. The amendments eliminated the SSM exemptions in the General Provisions for the NESHAP; added electronic reporting; added repeat emissions testing; and made technical and editorial changes. No revisions to the numerical emission limits in the rule based on the RTR. The August 21, 2020, amendments corrected the August 13, 2020 RTR by revising the date in 40 CFR §63.2282. The November 19, 2020, amendments to 40 CFR §63.2280(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 10 of 40 CFR Part 63, Subpart DDDD, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.880, Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE)*

The commission proposes to amend §113.880 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEEE, since this section was last amended. During this period, the EPA amended Subpart EEEE on July 7, 2020 (85 FR 40740), July 10, 2020 (85 FR 41411), July 22, 2020 (85 FR 44216), and November 19, 2020 (85 FR 73854). The July 7, 2020, amendments finalized EPA's RTR. The amendments revised the storage tank requirements; corrected and clarified regulatory provisions related to emissions during periods of SSM by removing general exemptions; added requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports; added operational requirements for flares; and made other minor technical improvements. The July 10, 2020, amendments corrected the July 7, 2020 RTR by revising amendatory instruction 2d for 40 CFR §63.14 to reference the correct redesigning paragraphs and correct the 40 CFR §63.14 heading. The July 22, 2020, amendments corrected the July 7, 2020 RTR. A set of amendatory instructions and one reference to a standard approved for IBR were removed during the review and publication process, but the related standard reference was not removed. In addition, subsequent amendatory instructions were not properly revised to reflect the edits. Specifically, these amendments corrected the centralized IBR section at 40 CFR §63.14 by restating the instruction that could not be applied to the CFR; and removing ASTM D6378-18a from 40 CFR §63.2046. The November 19, 2020, amendments to 40 CFR §63.2382(b)(1) and (2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 12 of 40 CFR Part 63, Subpart EEEE, by revising 40 CFR §63.9(j) regarding the provision for a change in previous information to require submission within 15 days after the change and limiting applicability to a change to major source status, other changes are reported in the first and subsequent compliance reports; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to notification specified in 40 CFR §63.9(j).

*§113.890, Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF)*

The commission proposes to amend §113.890 by incorporating by reference all amendments to 40 CFR Part 63, Subpart FFFF,

since this section was last amended. During this period, the EPA amended Subpart FFFF on August 12, 2020 (85 FR 49084) and November 19, 2020 (85 FR 73854). The August 12, 2020, amendments finalized EPA's RTR. The amendments established emission limits and work practice standards for new and existing miscellaneous organic chemical (MON) manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment; and implemented FCAA, §112(d) by requiring all major sources to meet HAP emission standards to reflect application of the MACT. The HAP emitted from MON manufacturing facilities included toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The final rule reduced HAP emissions by 16,800 tpy for existing facilities that manufacture MONs, including amendments for equipment leaks and heat exchange systems, and addressed ethylene oxide emissions from storage tanks, process vents, and equipment leaks; corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses; added monitoring and operational requirements for flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins; added a provision for electronic reporting of performance test results and other reports; and included other technical corrections to improve consistency and clarity. The November 19, 2020, amendments to 40 CFR §63.2515(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 12 of 40 CFR Part 63, Subpart FFFF, by revising 40 CFR §63.9(j) regarding change in previous information, limited to a change in major source status, otherwise §63.2520(e) specifies reporting requirements for process changes; and adding 40 CFR §63.9(k) regarding electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.900, Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG)*

The commission proposes to amend §113.900 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGGG, since this section was last amended. During this period, the EPA amended Subpart GGGG on March 18, 2020 (85 FR 15608) and November 19, 2020 (85 FR 73854). The March 18, 2020, amendments finalized the RTR for the Solvent Extraction for Vegetable Oil Production source category. The EPA finalized the decision that risks due to emissions of air toxics from this source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. Under the technology review, the EPA finalized the decision that there are no developments in practices, processes, or control technologies that necessitate revision of the standards. No revisions to the numerical emission limits based on the risk and technology reviews were made. The amendments included corrections and clarifications for regulatory provisions related to emissions during periods of SSM, including removing general exemptions for periods of SSM. The amendments also added alternative work practice standards for periods of initial startup for new or significantly modified sources; and made other minor clarifications and corrections. Further, the amendments added a provision for electronic reporting of certain notifications and reports and performance test results; and made other minor clarifications and corrections to improve compliance and implemen-

tation of the rule. The November 19, 2020, amendments to 40 CFR §63.2860(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, §63.2870, by adding 40 CFR §63.9(j) regarding a provision for notification requirements for a change in previous information; and 40 CFR §63.9(k) regarding the provision for notification requirements for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.910, Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH)*

The commission proposes to amend §113.910 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHH, since this section was last amended. During this period, the EPA amended Subpart HHHH on February 28, 2019 (84 FR 6676) and November 19, 2020 (85 FR 73854). The February 28, 2019, amendments finalized the EPA's RTR. The amendments removed SSM general exemptions; added electronic reporting; clarified rule provisions; revised certain monitoring, recordkeeping, and reporting requirements; and included other miscellaneous technical and editorial changes. The November 19, 2020, amendments revised Table 2 of 40 CFR Part 63, Subpart HHHH, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.920, Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII)*

The commission proposes to amend §113.920 by incorporating by reference all amendments to 40 CFR Part 63, Subpart IIII, since this section was last amended. During this period, the EPA amended Subpart IIII on July 8, 2020 (85 FR 41100), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The July 8, 2020, amendments finalized the EPA's RTR of Surface Coatings of (1) Automobiles and Light-Duty Trucks (ALDT), (2) Miscellaneous Metal Parts and Products (MMPP), and (3) Plastic Parts and Products (PPP) source categories regulated under NESHAP. The amendments removed SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. This notice also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.3110(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart IIII, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections to regulations under the NESHAP program. Specifically, the amendments included the Surface Coating of Automobiles and Light-Duty Trucks promulgated on July 8, 2020. The amendments to 40 CFR §63.3130(c)(4) and (5) revised the records to keep relating to the record of the calculation of the organic HAP emission rate. The amendments

to 40 CFR §63.3161 revised the demonstration of initial compliance relating to emission limits and determining the transfer efficiency for each coating. The amendments also revised 40 CFR §63.3165(e) relating to determining the emission capture system efficiency with panel testing. Further, amendments to Appendix A of 40 CFR Part 63, Subpart IIII, revised the text relating to protocol for determining the daily volatile organic compound emission rate.

*§113.930, Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ)*

The commission proposes to amend §113.930 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJ on July 9, 2020 (85 FR 41276) and November 19, 2020 (85 FR 73854). The July 9, 2020, amendments finalized the EPA's RTR. The amendments added a compliance demonstration equation that accounts for retained volatiles in the coated web, repeat testing, and electronic reporting requirements; and made technical and editorial changes. The November 19, 2020, amendments to 40 CFR §63.3400(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 to Subpart JJJJ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.940, Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK)*

The commission proposes to amend §113.940 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KKKK, since this section was last amended. During this period, the EPA amended Subpart KKKK on February 25, 2020 (85 FR 10828), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The February 25, 2020, amendments finalized the EPA's RTR. The amendments removed SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18 ; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. The November 19, 2020, amendments to 40 CFR §63.3510(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 5 of 40 CFR Part 63, Subpart KKKK, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments, made technical corrections under the NESHAP program for Surface Coating of Metal Cans, promulgated on February 25, 2020. The amendments to 40 CFR §63.3541(h) revised the calculation for the organic HAP emission reduction for each controlled coating operation not using liquid-liquid material balances.

*§113.960, Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM)*

The commission proposes to amend §113.960 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMMM, since this section was last amended. During this period, the EPA amended Subpart MMMM on July 8, 2020 (85 FR 41100) and November 19, 2020 (85 FR 73854). The July 8, 2020, amendments finalized the EPA's RTR. The amendments eliminated the SSM general exemptions; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; added requirements for periodic performance testing; and made several miscellaneous technical amendments. The November 19, 2020, amendments to 40 CFR §63.3910(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart MMMM, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.970, Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN)*

The commission proposes to amend §113.970 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNNN, since this section was last amended. During this period, the EPA amended Subpart NNNN on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the EPA's RTR. The amendments eliminated general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments corrected the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The amendments also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture published in the March 15, 2019 FR. The November 19, 2020, amendments to 40 CFR §63.4110(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart NNNN, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.980, Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO)*

The commission proposes to amend §113.980 by incorporating by reference all amendments to 40 CFR Part 63, Subpart



OOOO, since this section was last amended. During this period, the EPA amended Subpart OOOO on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the EPA's RTRs for the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories. The amendments eliminated the general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments corrected the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. The November 19, 2020, amendments to 40 CFR §63.4310(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 3 of 40 CFR Part 63, Subpart OOOO, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.990, Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP)*

The commission proposes to amend §113.990 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPPP, since this section was last amended. During this period, the EPA amended Subpart PPPP on July 8, 2020 (85 FR 41100) and November 19, 2020 (85 FR 73854). The July 8, 2020, amendments finalized the EPA's RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.4510(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart PPPP, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1000, Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ)*

The commission proposes to amend §113.1000 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQQ, since this section was last amended. During this period, the EPA amended Subpart QQQQ on March 4, 2019 (84 FR 7682) and November 19, 2020 (85 FR 73854). The March 4, 2019, amendments finalized the EPA's RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting, added an alternative compliance equation under the current standards; and made technical and editorial changes. This action also finalized a new EPA test method to measure isocyanate compounds in certain surface coatings. The November 19, 2020, amendments to 40 CFR §63.4710(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 4 of 40 CFR Part 63, Subpart QQQQ, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1010, Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR)*

The commission proposes to amend §113.1010 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRR, since this section was last amended. During this period, the EPA amended Subpart RRRR on March 15, 2019 (84 FR 9590), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). The March 15, 2019, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting for performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments were made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The July 8, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. No revisions to the numerical emission limits based on these risk analyses or technology reviews. The amendments finalized technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. The November 19, 2020, amendments to 40 CFR §63.4910(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 2 of 40 CFR Part 63, Subpart RRRR, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1020, Surface Coating of Metal Coil (40 CFR 63, Subpart SSSS)*

The commission proposes to amend §113.1020 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SSSS, since this section was last amended. During this period,

the EPA amended Subpart SSSS on February 25, 2020 (85 FR 10828) and November 19, 2020 (85 FR 73854). The February 25, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; revised electronic reporting of performance test results and compliance reports; added EPA Method 18; updated several measurement methods; and added requirements for periodic performance testing. Additionally, several miscellaneous technical amendments are being made to improve the clarity of the rule requirements. No revisions to the numerical emission limits for the two source categories based on the RTRs. The November 19, 2020, amendments to 40 CFR §63.5180(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart SSSS, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title of §113.1020 to "Surface Coating of Metal Coil (40 Code of Federal Regulations Part 63, Subpart SSSS)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

#### *§113.1030, Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT)*

The commission proposes to amend §113.1030 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTT, since this section was last amended. During this period, the EPA amended Subpart TTTT on February 12, 2019 (84 FR 3308) and November 19, 2020 (85 FR 73854). The February 12, 2019, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM; added electronic reporting; and revised certain rule provisions for clarification. The November 19, 2020, amendments to 40 CFR §63.5415(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 2 of 40 CFR Part 63, Subpart TTTT, by adding 40 CFR §63.9(j) regarding notification requirements for change in previous information; and 40 CFR §63.9(k) regarding notification requirements for electronic reporting procedures, limiting to 40 CFR §63.9(j) specifications.

#### *§113.1040, Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU)*

The commission proposes to amend §113.1040 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUUU, since this section was last amended. During this period, the EPA amended Subpart UUUU on July 2, 2020 (85 FR 39980) and November 19, 2020 (85 FR 73854). The July 2, 2020, amendments finalized the EPA's RTR. The amendments: eliminated the general exemptions for SSM; added electronic reporting requirements; added provisions for periodic emissions performance testing for facilities using non-recovery control devices; added a provision allowing more flexibility for monitoring of biofilter control devices; and made technical and editorial changes. The November 19, 2020, amendments to Table 7 of 40 CFR Part 63, Subpart UUUU, revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments also revised Table 7 of 40 CFR Part 63, Subpart UUUU, by revising entry 4 regarding affected source before June 11, 2002 to require initial notifications no later than 120

days after June 11, 2002, or no later than 120 after the source becomes subject to this subpart, whichever is later, as specified in 40 CFR §63.9(b)(2). Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart UUUU, by revising entry 7 to require submission a compliance report, which must contain any changes in information already provided, as specified in 40 CFR §63.9(j), except changes in major source status must be reported per §63.9(j). The amendments also revised Table 10 of 40 CFR Part 63 Subpart UUUU, by adding 40 CFR §63.9(j) regarding the provision for change in previous information, which must be submitted within 15 days of the change, except the notification of all but change in major source status must be submitted as part of the next semiannual compliance report as specified in Table 8 to this subpart; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

#### *§113.1050, Boat Manufacturing (40 CFR 63, Subpart VVVV)*

The commission proposes to amend §113.1050 by incorporating by reference all amendments to 40 CFR Part 63, Subpart VVVV, since this section was last amended. During this period, the EPA amended Subpart VVVV on March 20, 2020 (85 FR 15960), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The March 20, 2020, amendments finalized the RTR. The amendments eliminated general exemptions for SSM and revised provisions regarding electronic reporting of performance test, performance evaluation results, and semiannual reports. The numeric emission limits of the standards remains unchanged. The November 19, 2020, amendments revised Table 8 of 40 CFR Part 63, Subpart VVVV, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections to regulations under the NESHAP program for Boat Manufacturing, promulgated on March 20, 2020. Specifically, Table 8 of 40 CFR Part 63, Subpart VVVV, was amended to remove the reclassification limitation, and to revise reporting and recordkeeping provisions.

The commission also proposes to amend the title of §113.1050 to "Boat Manufacturing (40 Code of Federal Regulations Part 63, Subpart VVVV)" to maintain consistency with other sections in this subchapter, by using the full term "Code of Federal Regulations" rather than the acronym "CFR."

#### *§113.1060, Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW)*

The commission proposes to amend §113.1060 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWW, since this section was last amended. During this period, the EPA amended Subpart WWWW on March 20, 2020 (85 FR 15960) and November 19, 2020 (85 FR 73854). The March 20, 2020, amendments finalized the RTR. The amendments addressed emissions during periods of SSM and amended provisions regarding electronic reporting of performance test, performance evaluation results, and semiannual reports. These final amendments included the removal of regulatory language that was inconsistent with the requirement that the standards apply at all times, inclusion of language requiring electronic reporting of performance test and performance evaluation results and semiannual reports, and an amendment to clarify that mixers that route to a capture and control device system with at least 95% efficiency overall are not required to have covers. The numeric emission limits of the standards remains unchanged. The

November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at Table 2 of 40 CFR Part 63, Subpart WWWW. The amendments also revised Table 15 of 40 CFR Part 63, to Subpart WWWW, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1070, Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX)*

The commission proposes to amend §113.1070 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXXX, since this section was last amended. During this period, the EPA amended Subpart XXXX on July 24, 2020 (85 FR 44752) and November 19, 2020 (85 FR 73854). The July 24, 2020, amendments finalized the RTR. The amendments added electronic reporting of performance test results and reports, compliance reports, and NOCS reports; and removed the provision that exempts emissions from compliance with the standards during periods of SSM. The November 19, 2020, amendments to 40 CFR §63.6009(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 17 of 40 CFR Part 63, Subpart XXXX, by adding 40 CFR §63.9(k) regarding notification for electronic reporting procedures as specified in 40 CFR §63.9(j).

*§113.1080, Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY)*

The commission proposes to amend §113.1080 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YYYY, since this section was last amended. During this period, the EPA amended Subpart YYYY on March 9, 2020 (85 FR 13524), November 19, 2020 (85 FR 73854), and March 9, 2022 (87 FR 13183). The March 9, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM and added electronic reporting requirements. The November 19, 2020, amendments to 40 CFR §63.6145(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, amendments revised Table 7 of 40 CFR Part 63, Subpart YYYY, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The March 9, 2022, amendments to 40 CFR §63.6095 remove the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004.

*§113.1090, Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)*

The commission proposes to amend §113.1090 by incorporating by reference all amendments to 40 CFR Part 63, Subpart ZZZZ, since this section was last amended. During this period, the EPA amended Subpart ZZZZ on November 19, 2020 (85 FR 73854) and December 4, 2020 (85 FR 78412). The November 19, 2020, amendments to 40 CFR §63.6645(b) and (d) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart ZZZZ, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 4, 2020, amendments streamlined existing fuel quality

regulations, including removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. Specifically, amendments to 40 CFR §63.6604 revised a cite from "40 CFR §80.510(b)" to "40 CFR §1090.305."

The commission also proposes to amend the title and rule reference in §113.1090 to "Stationary Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart ZZZZ.

*§113.1100, Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA)*

The commission proposes to amend §113.1100 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAAA, since this section was last amended. During this period, the EPA amended Subpart AAAAA on July 24, 2020 (85 FR 44960), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The July 24, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM and added new provisions requiring electronic reporting. The November 19, 2020, amendments to 40 CFR §63.7130(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 8 of 40 CFR Part 63, Subpart AAAAA, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. The action corrected inadvertent typographical errors and redundant text in the FR.

*§113.1110, Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBBB)*

The commission proposes to amend §113.1110 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBBB, since this section was last amended. During this period, the EPA amended Subpart BBBBB on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.7189(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1120, Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCC)*

The commission proposes to amend §113.1120 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCC, since this section was last amended. During this period, the EPA amended Subpart CCCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.7340 revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1130, Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD)*

The commission proposes to amend §113.1130 by incorporating by reference all amendments to 40 CFR Part 63, Subpart

DDDDD, since this section was last amended. During this period, the EPA amended Subpart DDDDD on November 14, 2018 (83 FR 56713), November 19, 2020 (85 FR 73854), and December 28, 2020 (85 FR 84261). The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions. The revisions do not impose any new substantive requirements on source owners or operators, but improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, Table 6 of 40 CFR Part 63, Subpart DDDDD, was revised to allow the use of EPA SW-846-7471B for liquid samples in addition to EPA SW-846-7470A for measuring mercury to allow for compliance flexibility. Table 6 also revised the fuel analysis requirements. The November 19, 2020, amendments to 40 CFR §63.7545(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The December 28, 2020, amendments corrected a final rule that appeared in the *Federal Register* on November 19, 2020. The EPA finalized the amendments to the General Provisions that apply to NESHAP. The action corrected inadvertent typographical errors and redundant text in the FR. Specifically, rule instruction 121 correctly referenced the amendments to 40 CFR §63.7545; however, the corresponding section header was incorrect. The section header was corrected.

The commission also proposes a minor editorial revision to §113.1130 existing rule text by adding "Major Sources" for consistency with the rule title.

*§113.1140, Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE)*

The commission proposes to amend §113.1140 by incorporating by reference all amendments to 40 CFR Part 63, Subpart EEEEE, since this section was last amended. During this period, the EPA amended Subpart EEEEE on September 10, 2020 (85 FR 56080) and November 19, 2020 (85 FR 73854). The September 10, 2020, amendments finalized the RTR. The amendments eliminated the general exemptions for SSM by specifying that emissions standards apply at all times. These final amendments also required electronic reporting of performance test results and compliance reports and made minor corrections and clarifications to a few other rule provisions for major sources and area sources. The November 19, 2020, amendments to 40 CFR §63.7750(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1150, Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF)*

The commission proposes to amend §113.1150 by incorporating by reference all amendments to 40 CFR Part 63, Subpart FFFFF, since this section was last amended. During this period, the EPA amended Subpart FFFFF on July 13, 2020 (85 FR 42074) and November 19, 2020 (85 FR 73854). The July 13, 2020, amendments finalized the RTR. The amendments established emission standards for mercury in response to a 2004 administrative petition for reconsideration which minimizes emissions by limiting the amount of mercury per ton of metal scrap used. The EPA also removed exemptions for periods of SSM consistent with a 2008 court decision and clarified that the emissions standards apply at all times; added electronic reporting of performance test results and compliance reports; and made minor corrections and

clarifications for a few other rule provisions. The November 19, 2020, amendments to 40 CFR §63.7840(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1160, Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG)*

The commission proposes to amend §113.1160 by incorporating by reference all amendments to 40 CFR Part 63, Subpart GGGGG, since this section was last amended. During this period, the EPA amended Subpart GGGGG on July 10, 2020 (85 FR 41680) and November 19, 2020 (85 FR 73854). The July 10, 2020, amendments finalized the RTR. Based on the results of the technology review, the EPA amended the leak detection and repair program. In addition, the EPA finalized amendments to revised regulatory provisions pertaining to emissions during periods of SSM, including finalizing work practice requirements for PRD and the 240-hour maintenance period for control devices on tanks. The amendments also finalized requirements for electronic submittal of semiannual reports and performance test results. Finally, the amendments also made minor clarifications and corrections. The final revisions to the rule increased the level of emissions control and environmental protection provided by the Site Remediation NESHAP. The November 19, 2020, amendments to 40 CFR §63.7950(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 3 of 40 CFR Part 63, Subpart GGGGG, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1170, Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH)*

The commission proposes to amend §113.1170 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHH on August 14, 2020 (85 FR 49724), November 19, 2020 (85 FR 73854), and November 25, 2020 (85 FR 75235). The August 14, 2020, amendments finalized the RTR. The amendments addressed emissions during periods of SSM, including removing general exemptions for SSM; clarified regulatory provisions for certain vent control bypasses; revised provision for electronic reporting of performance test results, performance evaluation reports, compliance reports, and NOCS reports; and revised provisions to conduct periodic performance testing of oxidizers used to reduce emissions of organic HAP. The November 19, 2020, amendments to 40 CFR §63.8070(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 10 of 40 CFR Part 63 to Subpart HHHHH, by revising 40 CFR §63.9(j) regarding the provision for change in previous information for change in major source status, otherwise §63.8075(e)(8) specifies reporting requirements for process changes; and adding 40 CFR §63.9(k) regarding the provision for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications. The November 25, 2020, amendment corrected a date error in 40 CFR §63.8000(vi) published on August 14, 2020, in the *Federal Register* at 85 FR 49742.

*§113.1180, Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIIII)*

The commission proposes to amend §113.1180 by incorporating by reference all amendments to 40 CFR Part 63, Subpart IIIII, since this section was last amended. During this period, the EPA amended Subpart IIIII on November 19, 2020 (85 FR 73854) and December 28, 2020 (85 FR 84261). The November 19, 2020, amendments to 40 CFR §63.8252(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 10 of 40 CFR Part 63, Subpart IIIII, by adding 40 CFR §63.9(k) regarding provisions for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications. The December 28, 2020, amendments corrected 85 FR 73914 published on November 19, 2020. The final MM2A rule instruction 128 correctly referenced the amendments to 40 CFR §63.8252; however, the corresponding regulatory text section header was incorrect. Additionally, the amendatory text for 40 CFR §63.8252(b) incorrectly referenced December 19, 2003, which should have remained April 19, 2004. The amendments corrected the regulatory text section header and the amendatory text.

*§113.1190, A Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)*

The commission proposes to amend §113.1190 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJJ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the initial notification requirements for Table 8 of 40 CFR Part 63, Subpart JJJJJ, for affected source before December 28, 2015, to submit an initial notification no later than June 22, 2016, or no later than 120 days after the source becomes subject to this subpart, whichever is later as specified in 40 CFR §63.9(b)(2). The amendments also revised Table 10 of 40 CFR Part 63, Subpart JJJJJ, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title of §113.1190 to "Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)" to correct a typographical error.

*§113.1200, Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK)*

The commission proposes to amend §113.1200 by incorporating by reference all amendments to 40 CFR Part 63, Subpart KKKKK, since this section was last amended. During this period, the EPA amended Subpart KKKKK on November 1, 2019 (84 FR 58601), November 19, 2020 (85 FR 73854), and November 19, 2021 (86 FR 66038). The November 1, 2019, amendments were issued in response to a petition for reconsideration on the final rule, promulgated on October 26, 2015, as well as the review of the 2015 rule with respect to certain other issues. This action revised the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan emissions limit of the final rule. In addition, concerns regarding VE monitoring of tunnel kiln stacks for continuous compliance with particulate matter (PM) and mercury emission limitations were addressed. The amendments also included requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths. Lastly, the amendments in this action amended the NESHAP to include provisions for emissions averaging, makes technical corrections, and added certain definitions. The November 19, 2020,

amendments revised the initial notification requirements for Table 9 of 40 CFR Part 63, Subpart KKKKK, to no later than 120 days after the source becomes subject to this subpart whichever is later as specified in 40 CFR §63.9(b)(2). Also, the amendments revised Table 11 of 40 CFR Part 63, Subpart KKKKK, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments made technical corrections under the NESHAP program for Clay Ceramics Manufacturing to the reports promulgated on November 1, 2019. Specifically, the amendments to 40 CFR §63.8635(g)(1) clarified what reports must be submitted and when they must be submitted. Also, the amendments to Table 2 of 40 CFR Part 63, Subpart KKKKK, clarified the operating limit that must be met.

*§113.1210, Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL)*

The commission proposes to amend §113.1210 by incorporating by reference all amendments to 40 CFR Part 63, Subpart LLLLL, since this section was last amended. During this period, the EPA amended Subpart LLLLL on March 12, 2020 (85 FR 14526) and November 19, 2020 (85 FR 73854). The March 12, 2020, amendments finalized the EPA's RTR. The amendments corrected and clarified regulatory provisions related to emissions during periods of SSM, including removing general exemptions for SSM; revised monitoring requirements for a control device used to comply with the PM standards; added requirements for periodic performance testing; added electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports; and included other technical corrections to improve consistency and clarity. No revisions were made to the numerical emission limits based on the residual risk analysis or technology review. The November 19, 2020, amendments to 40 CFR §63.8692(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart LLLLL, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1220, Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM)*

The commission proposes to amend §113.1220 by incorporating by reference all amendments to 40 CFR Part 63, Subpart MMMMM, since this section was last amended. During this period, the EPA amended Subpart MMMMM on November 19, 2020 (85 FR 73854) and November 18, 2021 (86 FR 64385). The November 19, 2020, amendments to 40 CFR §63.8816(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart MMMMM, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 18, 2021, amendments finalized the RTR conducted for the Flexible Polyurethane Foam Fabrication Operations major source category regulated under NESHAP. The amendments included adding a numeric emission limit for existing flame lamination units; removing exemptions for periods of SSM and specifying that the emissions standards always apply; requiring periodic performance tests; requiring electronic reporting of performance

test results and compliance reports; and revising the definitions of "Deviation" and "HAP-based adhesive."

*§113.1230, Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN)*

The commission proposes to amend §113.1230 by incorporating by reference all amendments to 40 CFR Part 63, Subpart NNNNN, since this section was last amended. During this period, the EPA amended Subpart NNNNN on April 15, 2020 (85 FR 20855) and November 19, 2020 (85 FR 73854). The April 15, 2020, amendments finalized the RTR. The amendments added electronic reporting; addresses periods of SSM; and established work practice standards for maintenance activities under the FCAA. No revisions to the numerical emission limits based on the risk analysis or technology review. The November 19, 2020, amendments to 40 CFR §63.9045(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart NNNNN, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1250, Engine Test Cells/Standards (40 Code of Federal Regulations Part 63, Subpart P PPPP)*

The commission proposes to amend §113.1250 by incorporating by reference all amendments to 40 CFR Part 63, Subpart P PPPP, since this section was last amended. During this period, the EPA amended Subpart P PPPP on June 3, 2020 (85 FR 34326) and November 19, 2020 (85 FR 73854). The June 3, 2020, amendments finalized the RTR. The amendments to the Engine Test Cells/Standards NESHAP revised periods of SSM provisions clarified electronic reporting provisions; and made clarifications and technical corrections. The November 19, 2020, amendments to 40 CFR §63.9345(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 7 of 40 CFR Part 63, Subpart P PPPP, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1260, Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart QQQQQ)*

The commission proposes to amend §113.1260 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQQQ, since this section was last amended. During this period, the EPA amended Subpart QQQQQ on February 8, 2019 (84 FR 2742) and November 19, 2020 (85 FR 73854). The February 8, 2019, amendments finalized the RTR. The EPA determined that the risks from the category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. No new cost-effective controls under the technology review to achieve further emissions reductions. However, the final amendments revised reporting requirements for deviations and periods of SSM. The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source to 40 CFR §63.9485. Also, the amendments to 40 CFR §63.9535(c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Additionally, the amendments revised Table 1 of 40 CFR Part

63, Subpart QQQQQ, by adding §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1270, Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR)*

The commission proposes to amend §113.1270 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRRR, since this section was last amended. During this period, the EPA amended Subpart RRRRR on July 28, 2020 (85 FR 45476) and November 19, 2020 (85 FR 73854). The July 28, 2020, amendments finalized the RTR. The final amendments did not include any revisions to the numerical emission limits of the rule based on the RTR. The amendments eliminated periods of the exemptions previously allowed for periods of SSM and clarified that the emissions standards apply at all times. Also, the amendments clarified electronic reporting of performance test results and compliance reports and made minor technical corrections and amendments to monitoring and testing requirements to reduce the compliance burden on industry while continuing to be protective of the environment. The November 19, 2020, amendments removed the date limitation after which a major source cannot become an area source at 40 CFR §63.9581. The amendments to 40 CFR §63.9640(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 2 of 40 CFR Part 63, Subpart RRRRR, by adding 40 CFR §63.1(c)(6) regarding the provision for a major source reclassifying to an area source; and 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

*§113.1280, Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS)*

The commission proposes to amend §113.1280 by incorporating by reference all amendments to 40 CFR Part 63, Subpart SSSSS, since this section was last amended. During this period, the EPA amended Subpart SSSSS on November 19, 2020 (85 FR 73854) and November 19, 2021 (86 FR 66045). The November 19, 2020, amendments to 40 CFR §63.9812(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 11 of 40 CFR Part 63, Subpart SSSSS, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications. The November 19, 2021, amendments finalized the RTR conducted for the Refractory Products Manufacturing source category regulated under NESHAP. The EPA found the risks due to emissions of air toxics from this source category were acceptable and that the standards provided an ample margin of safety to protect public health. As a result, the EPA is made no revisions to the emission limits for this source category based on the residual risk. In the technology review, after reviewing developments in practices, processes, and control technologies, the EPA determined that no revisions to the numeric emission limits were necessary. However, the EPA revised certain work practice provisions based on the technology review. The final amendments also included a new provision for certain HAP and a revision of the alternative fuel provisions. The amendments also revised emissions during periods of SSM and emissions during periods of scheduled maintenance. Further, the amendments revised electronic reporting of NOCS reports, performance test results, and perfor-

mance evaluation results. Lastly, the amendments added of test methods and guidance materials, updated several test methods, and made other miscellaneous clarifying and technical corrections.

*§113.1290, Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT)*

The commission proposes to amend §113.1290 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTTT, since this section was last amended. During this period, the EPA amended Subpart TTTTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.9930(b) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1300, Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU)*

The commission proposes to amend §113.1300 by incorporating by reference all amendments to 40 CFR Part 63, Subpart UUUUU, since this section was last amended. During this period, the EPA amended Subpart UUUUU on April 6, 2017 (82 FR 16736), July 2, 2018 (83 FR 30879), November 14, 2018 (83 FR 56713), May 23, 2019 (84 FR 23727), April 15, 2020 (85 FR 20838), May 22, 2020 (85 FR 31286), and September 9, 2020 (85 FR 55744). The April 6, 2017, amendments revised the electronic reporting requirements for the NESHAPS: Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs) (also known as the Mercury and Air Toxics Standards (MATS)) to allow for the temporary submission, through June 30, 2018, of certain reports using the portable document file (PDF) format and to correct inadvertent errors. This extension allowed the EPA the necessary time to develop, implement, and test the code necessary so that all MATS reports required to be submitted electronically could be submitted using the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool. The July 2, 2018, amendments extended the period during which certain electronic reports required by the MATS could be submitted as PDFs using the ECMPS Client Tool. This extension was necessary because the electronic reporting system that owners or operators of affected MATS sources will be required to use would not be available by June 30, 2018. The November 14, 2018, amendments revised certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions. These revisions were to improve the quality of data and provide flexibility in the use of approved alternative procedures. Specifically, the proposal for Coal- and Oil-Fired EGUs (Subpart UUUUU) Part 63 allowed filter temperature in 40 CFR §63.10010(h)(7)(i)(1); however, it was not revised. Based on comments, EPA deferred finalizing proposed revisions of the temperature tolerances of probe and filter holder heating systems. The amendments revised Table 5 of 40 CFR Part 63, Subpart UUUUU, by adding Method 5I as a test method option because Method 5I is designed for low PM application. The May 23, 2019, *Federal Register* included the CFR corrections in Title 40 of the Code of Federal Regulations, Part 63, §63.8980 to end of Part 63, revised as of July 1, 2018, with the following corrections in Subpart UUUUU regarding the initial and subsequent tune-ups: on page 188, in §63.10021, paragraph (e)(9); and on page 195, in §63.10031, paragraphs (f) introductory text, (f)(1), (2), (4), and (f)(6) introductory text was revised regarding what reports must be submitted and when. The April 15, 2020, amendments established a subcategory of certain existing EGUs firing EBCR for acid gas HAP emissions

that was noticed in a February 7, 2019, proposed rule titled "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil Fired EGUs--Reconsideration of Supplemental Finding and Residual Risk and Technology Review." After consideration of public comments, the EPA determined that there is a need for such a subcategory under the NESHAP for Coal- and Oil-Fired EGUs. The EPA established acid gas HAP emission standards applicable only to the new subcategory. The EPA's final decisions on the other two distinct actions in the 2019 Proposal (i.e., reconsideration of the 2016 Supplemental Finding that it is appropriate and necessary to regulate EGUs under FCAA, §112 and the RTR of MATS) will be announced in a separate final action. The May 22, 2020, *Federal Register* finalized the RTR; however, there were no changes to the NESHAP. The September 9, 2020, amendments for the NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units revised and streamlined the electronic data reporting requirements of MATS, increased data transparency by requiring use of one electronic reporting system instead of two separate systems, and provided enhanced access to MATS data. No new monitoring requirements were imposed by this final action; instead, this action reduces reporting burden, increases MATS data flow and usage, makes it easier for inspectors and auditors to assess compliance, and encourages wider use of CEMS for MATS compliance. In addition, this final action extends the current deadline for alternative electronic data submission via PDF files through December 31, 2023.

*§113.1320, Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWW)*

The commission proposes to amend §113.1320 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWW, since this section was last amended. During this period, the EPA amended Subpart WWWW on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 1 of 40 CFR Part 63, Subpart WWWW, by removing the entry for 40 CFR §63.9(d)-(j) and adding entries for 40 CFR §63.9(d)-(i) regarding notifications and §63.9(j)-(k) regarding change in information already submitted; electronic reporting.

The commission also proposes a minor editorial revision to §113.1320 existing rule text by adding "Area Sources" to match the rule title and for consistency with other rules.

*§113.1350, Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZ)*

The commission proposes to amend §113.1350 by incorporating by reference all amendments to 40 CFR Part 63, Subpart ZZZZ, since this section was last amended. During this period, the EPA amended Subpart ZZZZ on September 10, 2020 (85 FR 56080). The September 10, 2020, amendments finalized the RTR. The amendments removed the exemptions for periods of SSM and specified that emissions standards apply at all times; added electronic reporting of performance test results and compliance reports; and made minor corrections and clarifications to a few other rule provisions for major sources and area sources.

*§113.1370, Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBB)*

The commission proposes to amend §113.1370 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBB, since this section was last amended. During this period, the EPA amended Subpart BBBB on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to

40 CFR §63.11086(e) and Table 3 of 40 CFR Part 63, Subpart BBBBBB, revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 3 by revising 40 CFR §63.9(b)(1)-(2), (4)-(5), initial notifications to submit notification within 120 days after effective date, or no later than 120 days after the source becomes subject to this subpart, whichever is later; notification of intent to construct/reconstruct, notification of commencement of construction/reconstruction, notification of startup; contents of each; and adding 40 CFR §63.9(k), notifications for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.1380, Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)*

The commission proposes to amend §113.1380 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCCCC, since this section was last amended. During this period, the EPA amended Subpart CCCCCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments clarified the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status, including a requirement for electronic notification. The amendments also revised the initial notification requirements for 40 CFR §63.11124(a)(1), (b)(1), so the notification shall be submitted no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. The amendments to Table 3 also revised 40 CFR §63.9(b)(1)-(2), (4)-(5), by clarifying initial notifications provisions to require notification within 120 days after effective date or no later than 120 days after the source becomes subject to this subpart, whichever was later; to clarify notification of intent to construct/reconstruct, notification of commencement of construction/reconstruction, notification of startup; contents of each; and added §63.9(k), regarding provisions for notifications for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

*§113.1425, Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH)*

The commission proposes to amend §113.1425 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11175(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements. Also, the amendments revised Table 1 of 40 CFR Part 63, Subpart HHHHHH, by adding 40 CFR §63.9(k) regarding the provision for electronic submission of notifications or reports, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title and rule reference in §113.1425 to "Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHH)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart HHHHHH.

*§113.1435, Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJJ)*

The commission proposes to amend §113.1435 by incorporating by reference all amendments to 40 CFR Part 63, Subpart JJJJJJ, since this section was last amended. During this period, the EPA amended Subpart JJJJJJ on September 14, 2016 (81 FR 63112). The September 14, 2016, amendments included the final decision on the issues for which the EPA announced reconsideration on January 21, 2015, that pertain to certain aspects of the February 1, 2013, final amendments to the "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (Area Source Boilers Rule). The EPA retained the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. In addition, the EPA amended three reconsidered provisions: the alternative PM standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury for certain coal-fired boilers based on their initial compliance demonstration, consistent with the alternative provisions for which comment was solicited in the January 2015 proposal. The EPA made minor changes to the proposed definitions of "startup" and "shutdown" based on comments received. This final action also addresses a limited number of technical corrections and clarifications on the rule, including removal of the affirmative defense for malfunction in light of a court decision on the issue. These corrections will clarify and improve the implementation of the February 2013 final Area Source Boilers Rule. In this action, the EPA is also denying the requests for reconsideration with respect to the issues raised in the petitions for reconsideration of the final Area Source Boilers Rule for which reconsideration was not granted.

The commission also proposes a minor editorial revision to §113.1435 existing rule text by adding "Generally Available Control Technology" for consistency with other rules.

*§113.1445, Acrylic and Modacrylic Fibers Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLLL)*

The commission proposes to amend the title and rule reference in §113.1445 to "Acrylic and Modacrylic Fibers Production Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLLL)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart LLLLLL.

*§113.1450, Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMMM)*

The commission proposes to amend §113.1450 by incorporating by reference all reviews to 40 CFR Part 63, Subpart MMMMMM, since this section was last amended. During this period, the EPA reviewed Subpart MMMMMM on November 19, 2021 (86 FR 66096). The November 19, 2021, review finalized the technology review conducted for Carbon Black Production area sources, regulated under NESHAP. The EPA did not change the existing area source standards. However, the area source standard requires all facilities to meet all the requirements in 40 CFR §63.1103(f) of Subpart YY (major source standard). The provisions in 40 CFR §63.1103(f) include carbon black production applicability, definitions, and requirements. Therefore, all changes discussed in Subpart YY, which impact the requirements laid out in 40 CFR §63.1103(f), also impact the requirements of the area source rule for carbon black production.

*§113.1460, Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOOO)*

The commission proposes to amend §113.1460 by incorporating by reference all amendments to 40 CFR Part 63, Subpart



OOOOOO, since this section was last amended. During this period, the EPA amended Subpart OOOOOO on November 18, 2021 (86 FR 64385). The November 18, 2021, amendments finalized the NESHAP technology review for two area source categories, Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication, which are combined in one subpart. The amendments removed references to the provisions of another NESHAP, Subpart III, that has been revised and no longer contains the referenced provisions. The amendments also removed Table 1 of 40 CFR Part 63, Subpart OOOOOO, because 40 CFR Part 63, Subpart A, General Provisions, do not apply to sources subject to Subpart OOOOOO.

*§113.1465, Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPPP)*

The commission proposes to amend §113.1465 by incorporating by reference all amendments to 40 CFR Part 63, Subpart PPPPPP, since this section was last amended. During this period, the EPA amended Subpart PPPPPP on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11425(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1470, Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ)*

The commission proposes to amend §113.1470 by incorporating by reference all amendments to 40 CFR Part 63, Subpart QQQQQQ, since this section was last amended. During this period, the EPA amended Subpart QQQQQQ on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11432(b) and (c) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1475, Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR)*

The commission proposes to amend §113.1475 by incorporating by reference all amendments to 40 CFR Part 63, Subpart RRRRRR, since this section was last amended. During this period, the EPA amended Subpart RRRRRR on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11441(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1485, Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT)*

The commission proposes to amend §113.1485 by incorporating by reference all amendments to 40 CFR Part 63, Subpart TTTTTT, since this section was last amended. During this period, the EPA amended Subpart TTTTTT on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11469(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1500, Plating and Polishing Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)*

The commission proposes to amend §113.1500 by incorporating by reference all amendments to 40 CFR Part 63, Subpart WWWWWW, since this section was last amended. During this period, the EPA amended Subpart WWWWWW on November

19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11509(a)(3) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

The commission also proposes to amend the title and rule reference in §113.1500 to "Plating and Polishing Operations Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart WWWWWW.

*§113.1505, Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)*

The commission proposes to amend §113.1505 by incorporating by reference all amendments to 40 CFR Part 63, Subpart XXXXXX, since this section was last amended. During this period, the EPA amended Subpart XXXXXX on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments to 40 CFR §63.11519(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

The commission also proposes to amend the title and rule reference in §113.1505 to "Nine Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart XXXXXX.

*§113.1510, Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY)*

The commission proposes to amend §113.1510 by incorporating by reference all amendments to 40 CFR Part 63, Subpart YYYYYY, since this section was last amended. During this period, the EPA amended Subpart YYYYYY on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contained notification requirements for existing sources with specific deadlines that were in the past at 40 CFR §63.11529. Also, the amendments to 40 CFR §63.11529(a) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1520, Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAA)*

The commission proposes to amend §113.1520 by incorporating by reference all amendments to 40 CFR Part 63, Subpart AAAAAA, since this section was last amended. During this period, the EPA amended Subpart AAAAAA on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11564. Also, the amendments to 40 CFR §63.11564(a)(2) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1525, Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBB)*

The commission proposes to amend §113.1525 by incorporating by reference all amendments to 40 CFR Part 63, Subpart BBBBBB, since this section was last amended. During this period, the EPA amended Subpart BBBBBB on November 19,

2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11585. Also, amendments to 40 CFR §63.11585(b)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1530, Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCC)*

The commission proposes to amend §113.1530 by incorporating by reference all amendments to 40 CFR Part 63, Subpart CCCCCC, since this section was last amended. During this period, the EPA amended Subpart CCCCCC on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised the area source NESHAP that contains notification requirements for existing sources with specific deadlines that are in the past at 40 CFR §63.11603. Also, the amendments to 40 CFR §63.11603(a)(1) revised the initial notification requirements to no later than 120 calendar days after the source becomes subject to the relevant NESHAP requirements.

*§113.1555, Polyvinyl Chloride and Copolymers Production Major Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHHH)*

The commission proposes to amend §113.1555 by incorporating by reference all amendments to 40 CFR Part 63, Subpart HHHHHH, since this section was last amended. During this period, the EPA amended Subpart HHHHHH on November 19, 2020 (85 FR 73854). The November 19, 2020, amendments revised Table 4 of 40 CFR Part 63, Subpart HHHHHH, by revising 40 CFR §63.1(a)(1)-(a)(4), (a)(6), (a)(10)-(a)(12), (b)(1), (b)(3), (c)(1), (c)(2), (c)(5), (c)(6), (e) regarding provisions for applicability; and adding 40 CFR §63.9(k) regarding provisions for electronic reporting procedures, limited to 40 CFR §63.9(j) specifications.

The commission also proposes to amend the title of §113.1555 to remove "Major Sources" to maintain consistency with the title of the corresponding federal regulation in 40 CFR Part 63, Subpart HHHHHH.

**Fiscal Note: Costs to State and Local Government**

Jené Bearse, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rulemaking.

**Public Benefits and Costs**

Ms. Bearse determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated would be compliance with federal law, increased consistency between federal and state air quality regulations, and the maintenance of TCEQ's existing and future delegation for MACT or GACT standards.

The proposed rulemaking is not anticipated to result in fiscal implications for businesses or individuals.

**Local Employment Impact Statement**

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a

local economy in a material way for the first five years that the proposed rules are in effect.

**Rural Communities Impact Assessment**

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply statewide and have the same effect in rural communities as in urban communities.

**Small Business and Micro-Business Assessment**

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rules for the first five-year period the proposed rules are in effect.

**Small Business Regulatory Flexibility Analysis**

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rules do not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

**Government Growth Impact Statement**

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and would not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create, expand, repeal, or limit an existing regulation, nor does the proposed rulemaking increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rules should not impact positively or negatively the state's economy.

**Draft Regulatory Impact Analysis Determination**

The commission reviewed the proposed rulemaking in light of the regulatory impact analysis requirements of Tex. Gov't Code Ann., §2001.0225 and determined that the proposed rulemaking does not meet the definition of a "major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis. A "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. Additionally, the proposed rulemaking does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which listed in Tex. Gov't Code Ann., §2001.0225(a). Tex. Gov't Code Ann., §2001.0225 applies only 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 pro-

gram; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The specific intent of these proposed rules is to make amendments to a number of existing NESHAPs incorporated into Chapter 113 to allow the agency to implement and enforce the updated versions of the federal NESHAP. The proposed rulemaking revises Chapter 113 to incorporate by reference changes that the EPA has made to the existing NESHAP for Source Categories under 40 CFR Part 63 as published through March 9, 2022.

The NESHAPs are promulgated by the EPA for source categories mandated by 42 United States Code (USC), §7412 and are required to be included in federal operating permits by 42 USC, §7661a. These NESHAPs are technology-based standards commonly referred to as MACT or GACT standards which the EPA develops to regulate emissions of HAPs as required under the FCAA. Certain sources of HAPs will be affected, and stationary sources are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from the EPA. As discussed in the Fiscal Note of the rulemaking proposal, the proposed rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond what is already required to comply with federal MACT or GACT 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.

Under 42 USC, §7661a, states are required to have federal operating permit programs that provide authority to issue permits and assure compliance with each applicable standard, regulation, or requirement under the FCAA, including NESHAPs, which are required under 42 USC, §7412. Similar to requirements in 42 USC, §7410, regarding the requirement to adopt and implement plans to attain and maintain the National Ambient Air Quality Standards, states are not free to ignore requirements in 42 USC, §7661a, and must develop and submit programs to provide for operating permits for major sources that include all applicable requirements of the FCAA.

The requirement to provide a fiscal analysis of proposed regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th Texas Legislature, 1997. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis of extraordinary rules. Such rules are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement would seldom apply, the commission provided a cost estimate for SB 633 concluding that "based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application." The commission also noted that the number of rules that would require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted proposed rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law.

Because of the ongoing need to meet federal requirements, the commission routinely proposes and adopts rules incorporating, or designed to satisfy, specific federal requirements. The legislature is presumed to understand this federal scheme. If each rule proposed by the commission in order to meet a federal requirement was considered to be a major environmental rule that

exceeds federal law, then each of those rules would require the full regulatory impact analysis contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the intent of SB 633 was only to require the full regulatory impact analysis for rules that are extraordinary in nature. While the proposed rules may have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of the FCAA, and in fact, creates no additional impacts since the proposed rules do not modify the federal NESHAP, but are incorporations by reference, which do not change the federal requirements.

For these reasons, the proposed rules fall under the exception in Tex. Gov't Code Ann., §2001.0225(a), because they are required by, and do not exceed, federal law. The commission has consistently applied this construction to its rules since this statute was enacted in 1997. Since that time, the legislature has revised the Texas Government Code but left this provision substantially unamended. It is presumed that "when an agency interpretation is in effect at the time the legislature amends the laws without making substantial change in the statute, the legislature is deemed to have accepted the agency's interpretation." *Central Power & Light Co. v. Sharp*, 919 S.W.2d 485, 489 (Tex. App. - Austin 1995), *writ denied with per curiam opinion respecting another issue*, 960 S.W.2d 617 (Tex. 1997); *Mosley v. Tex. Health & Human Services Comm'n*, 593 S.W.3d 250 (Tex. 2019); *Tex. Ass'n of Appraisal Districts, Inc. v. Hart*, 382 S.W.3d 587 (Tex. App. - Austin 2012, no pet.); *Tex. Dep't of Protective & Regulatory Services v. Mega Child Care, Inc.*, 145 S.W.3d 170 (Tex. 2004).

The commission's interpretation of the regulatory impact analysis requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA against the standard of "substantial compliance," Tex. Gov't Code Ann., §2001.035. The legislature specifically identified Tex. Gov't Code Ann., §2001.0225 as falling under this standard. As discussed in this analysis and elsewhere in this preamble, the commission proposes that it has substantially complied with the requirements of Tex. Gov't Code Ann., §2001.0225. The proposed rules implement the requirements of the FCAA as discussed in this analysis and elsewhere in this preamble.

As explained previously in this preamble, the specific intent of the proposed rulemaking is to implement requirements of the FCAA. The NESHAP standards being proposed for incorporation into state law are federal technology-based standards that are required by 42 USC, §7412, required to be included in federal operating permits under 42 USC, §7661a, proposed for IBR without modification or substitution, and will not exceed any standard set by state or federal law. These proposed rules are not the result of an express requirement of state law. The proposed rules do not exceed a requirement of a delegation agreement or a contract between state and federal government, as the EPA delegates the NESHAP to Texas in accordance with the delegation procedures codified in 40 CFR Part 63. The proposed amendments were not developed solely under the general powers of the agency but are authorized by specific sections of Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act), and

the Texas Water Code, which are cited in the Statutory Authority section of this preamble, including Texas Health and Safety Code, §§382.011, 382.012, and 382.017. Therefore, this proposed rulemaking action is not subject to the regulatory analysis provisions of Tex. Gov't Code Ann., §2001.0225(b).

The commission invites public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

#### Takings Impact Assessment

The commission evaluated the proposed rulemaking and performed an assessment of whether the requirements of Tex. Gov't Code Ann., Chapter 2007 are applicable. The commission's preliminary assessment indicates Tex. Gov't Code Ann., Chapter 2007 does not apply.

Under Tex. Gov't Code Ann., §2007.002(5), "taking" means: "(A) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or (B) a governmental action that: (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect."

The commission completed a preliminary takings impact analysis for the proposed rulemaking action as required by Tex. Gov't Code Ann., §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to make amendments to a number of existing NESHAPs incorporated into Chapter 113 to update them with changes made by EPA through March 9, 2022. The NESHAPs are promulgated by the EPA for source categories mandated by 42 USC, §7412 and are required to be included in federal operating permits by 42 USC, §7661a. These NESHAPs are technology-based standards commonly referred to as MACT or GACT standards which the EPA develops to regulate emissions of HAPs as required under the FCAA. Certain sources of HAPs will be affected, and stationary sources are required to comply with federal standards whether or not the commission adopts the standards or takes delegation from the EPA. The proposed rules do not create any additional burden on private real property. Under federal law, the affected industries will be required to comply with the NESHAPs regardless of whether the commission or the EPA is the agency responsible for implementation of the NESHAPs.

Tex. Gov't Code Ann., §2007.003(b)(4) provides that the requirements of Chapter 2007 of the Texas Government Code do not apply to this proposed rulemaking because it is an action reasonably taken to fulfill an obligation mandated by federal law. In addition, the commission's assessment indicates that Tex. Gov't Code Ann., Chapter 2007 does not apply to these proposed rules because this action is taken in response to a real and substantial

threat to public health and safety; that is designed to significantly advance the health and safety purpose; and that it does not impose a greater burden than is necessary to achieve the health and safety purpose. The incorporation of revisions to the NESHAP will allow for the implementation and enforcement of federal requirements to address hazardous air pollution. The implementation and enforcement of the NESHAP addresses and advances public health and safety issues arising due to hazardous air pollution, and because these proposed rules do not impose a greater burden than what is already required by the federal emission guidelines, this action is exempt under Tex. Gov't Code Ann., §2007.003(b)(13).

Any reasonable alternative to the proposed rulemaking would be excluded from a takings analysis required under Chapter 2007 of the Texas Government Code for the same reasons as elaborated in this analysis. As discussed in this preamble, states are required to include the requirements in state issued federal operating permits. If the state does not adopt the proposed rules, the federal rules will continue to apply. The proposed rules present as narrowly tailored an approach to complying with the federal mandate as possible without unnecessary incursion into possible private real property interests. Consequently, the proposed rules would not create any additional burden on private real property. The proposed rules would not affect private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. The proposal also would not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking would not cause a taking under Tex. Gov't Code Ann., Chapter 2007; nor does the Tex. Gov't Code Ann., Chapter 2007 apply to the proposed rulemaking.

#### Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found that the proposal is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the proposed rules in accordance with Coastal Coordination Act implementation rules, 31 TAC §505.22, and found the proposed rulemaking is consistent with the applicable CMP goals and policies. The CMP goal applicable to the proposed rules is the goal to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(1), Goals). The CMP policy applicable to the proposed rules is the policy that commission rules comply with federal regulations in 40 CFR, to protect and enhance air quality in the coastal areas (31 TAC §501.32, Policies for Emission of Air Pollutants). The proposed rules would incorporate federal regulations concerning emissions of HAPs from certain industries into Chapter 113, allowing the commission to enforce those standards. This would tend to benefit the environment because it would result in lower emissions of HAPs. Therefore, in accordance with 31 TAC §505.22(d), Consistency Required for New Rules and Rule Amendments Subject to the Coastal Management Program, the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of these rules would not violate or exceed any standards identified in the applicable CMP goal

and policy because the proposed rules are consistent with these CMP goals and policies, and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

#### Effect on Sites Subject to the Federal Operating Permits Program

Chapter 113 is an applicable requirement under 30 TAC Chapter 122, Federal Operating Permits Program. If the proposed rules are adopted, owners or operators subject to the Federal Operating Permits Program must, consistent with the revision process in Chapter 122, upon the effective date of the adopted rulemaking, revise their operating permits to include the amended sections of Chapter 113. In addition, owners and operators of area sources should be aware that federal rules require certain area source categories to obtain a federal operating permit.

#### Announcement of Hearing

The commission will hold a hybrid in-person and virtual public hearing on this proposal in Austin on Thursday, August 11, 2022, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. 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 be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

#### Registration

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Tuesday, August 9, 2022. To register for the hearing, please email [Rules@tceq.texas.gov](mailto:Rules@tceq.texas.gov) and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Wednesday, August 10, 2022, to those who register for the hearing.

Members of the public who do not wish to provide oral comments but would like to view the hearing virtually may do so at no cost at: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZWJmMDM4ZTYtN2NkZS00YWQ-5LThkNDMtZjQyMDBiNGYwYWMY%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3a%22true%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWJmMDM4ZTYtN2NkZS00YWQ-5LThkNDMtZjQyMDBiNGYwYWMY%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3a%22true%7d)

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

#### Submittal of Comments

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to [fax4808@tceq.texas.gov](mailto:fax4808@tceq.texas.gov). Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File

size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2022-005-113-AI. The comment period closes on August 15, 2022. Please choose one of the methods provided to submit your *written* comments.

Copies of the proposed rulemaking can be obtained from the commission's website at [https://www.tceq.texas.gov/rules/propose\\_adopt.html](https://www.tceq.texas.gov/rules/propose_adopt.html). For further information, please contact Melanie Nelon, Air Permits Division, (512) 239-1350.

#### Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.015, concerning the Power to Enter Property, which authorizes a member, employee, or agent of the commission to enter public or private property to inspect and investigate conditions relating to emissions of air contaminants; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; THSC, §382.022, concerning Investigations, which authorizes the executive director authority to make or require investigations; and THSC, §382.051, concerning Permitting Authority of Commission; Rules, which authorizes the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits issued under the Texas Clean Air Act.

The proposed amendments implement TWC, §5.103 and §7.002; and THSC, §§382.002, 382.011, 382.012, 382.015, 382.016, 382.017, 382.022, and 382.051.

*§113.100. General Provision (40 Code of Federal Regulations Part 63, Subpart A).*

The General Provisions for the National Emission Standards for Hazardous Air Pollutants for Source Categories as specified in 40 Code of Federal Regulations (CFR) Part 63, Subpart A, are incorporated by reference as amended through November 19, 2021 (86 FR 66038), (86 FR 66045), and (86 FR 66096) [December 4, 2015 (80 FR 75817)], with the following exceptions.

(1) The language of 40 CFR §63.5(e)(2)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 180 calendar days after receipt of sufficient information to evaluate an application submitted under 40 CFR §63.5(d). The 180-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The

executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 90 calendar days after receipt of the original application and within 60 calendar days after receipt of any supplementary information that is submitted.

(2) The language of 40 CFR §63.6(i)(12)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted under 40 CFR §63.6(i)(4)(i) or (i)(5). The 60-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(3) The language of 40 CFR §63.6(i)(13)(i) is amended to read as follows: The executive director will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 60 calendar days after receipt of sufficient information to evaluate a request submitted under 40 CFR §63.6(i)(4)(ii). The 60-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The executive director will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(4) The language of 40 CFR §63.6(i)(13)(ii) is amended to read as follows: When notifying the owner or operator that the application is not complete, the executive director will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after they are notified of the incomplete application, additional information, or arguments to the executive director to enable further action on the application.

(5) The language of 40 CFR §63.8(e)(5)(ii) is amended to read as follows: The owner or operator of an affected source using a Continuous Opacity Monitoring System (COMS) to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 30 calendar days before the performance test required under §63.7 is conducted.

(6) The language of 40 CFR §63.9(i)(3) is amended to read as follows: If, in the executive director's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the executive director will approve the adjustment. The executive director will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 30 calendar days of receiving sufficient information to evaluate the request.

(7) The language of 40 CFR §63.10(e)(2)(ii) is amended to read as follows: The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test

required under §63.7 and described in §63.6(d)(6) shall furnish the executive director two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 30 calendar days before the performance test required under §63.7 is conducted.

§113.106. *List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C).*

The provisions of 40 Code of Federal Regulations Part 63, Subpart C, concerning the List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, are incorporated by reference as amended through January 5, 2022 (87 FR 393) [December 19, 2005 (70 FR 75057)].

§113.110. *Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F).*

The Synthetic Organic Chemical Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart F, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 21, 2006 (71 FR 76614)].

§113.120. *Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G).*

The Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart G, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

§113.130. *Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal Regulations Part 63, Subpart H).*

The Organic Hazardous Air Pollutants for Equipment Leaks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart H, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

§113.170. *Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L).*

The Coke Oven Batteries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart L, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.180. *Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M).*

The Perchloroethylene Dry Cleaning Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart M, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 11, 2008 (73 FR 39874)].

§113.190. *Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N).*

The Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart N, is incorporated by reference as amended

through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

§113.200. *Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O).*

The Ethylene Oxide Emissions Standards for Sterilization Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart O, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

§113.220. *Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q).*

The Industrial Process Cooling Towers Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Q, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 7, 2006 (71 FR 17738)].

§113.230. *Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (40 Code of Federal Regulations Part 63, Subpart R).*

The Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart R, is incorporated by reference as amended through December 4, 2020 (85 FR 78412) [December 22, 2008 (73 FR 78199)].

§113.240. *Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S).*

The Pulp and Paper Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart S, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [September 11, 2012 (77 FR 55698)].

§113.250. *Halogenated Solvent Cleaning (40 Code of Federal Regulations Part 63, Subpart T).*

The Halogenated Solvent Cleaning Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart T, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 3, 2007 (72 FR 25138)].

§113.260. *Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U).*

The Group I Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart U, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 21, 2011 (76 FR 22566)].

§113.280. *Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W).*

The Epoxy Resins Production and Non-Nylon Polyamides Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart W, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.290. *Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X).*

The Secondary Lead Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart X, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [January 3, 2014 (79 FR 367)].

§113.300. *Marine Tank Vessel Loading Operations (40 Code of Federal Regulations Part 63, Subpart Y).*

The Marine Tank Vessel Loading Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart Y, is incorporated by reference as amended

through November 19, 2020 (85 FR 73854) [December 1, 2015 (80 FR 75178)].

§113.320. *Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA).*

The Phosphoric Acid Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AA, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 19, 2015 (80 FR 50386)].

§113.330. *Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB).*

The Phosphate Fertilizers Production Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 19, 2015 (80 FR 50386)].

§113.340. *Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC).*

The Petroleum Refineries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 13, 2016 (81 FR 45232)].

§113.350. *Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD).*

The Off-Site Waste and Recovery Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DD, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 18, 2015 (80 FR 14248)].

§113.360. *Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE).*

The Magnetic Tape Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EE, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [June 23, 2003 (68 FR 37352)].

§113.380. *Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG).*

The Aerospace Manufacturing and Rework Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 3, 2016 (81 FR 51114)].

§113.390. *Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH).*

The Oil and Natural Gas Production Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [August 16, 2012 (77 FR 49490)].

§113.400. *Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II).*

The Shipbuilding and Ship Repair (Surface Coating) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart II, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [November 21, 2011 (76 FR 72050)].

§113.410. *Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ).*

The Wood Furniture Manufacturing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~November 21, 2011~~ (76 FR 72050)].

§113.420. *Printing and Publishing Industry* (40 Code of Federal Regulations Part 63, Subpart KK).

The Printing and Publishing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KK, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~April 21, 2011~~ (76 FR 22566)].

§113.430. *Primary Aluminum Reduction Plants* (40 Code of Federal Regulations Part 63, Subpart LL).

The Primary Aluminum Reduction Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~October 15, 2015~~ (80 FR 62390)].

§113.440. *Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills* (40 Code of Federal Regulations Part 63, Subpart MM).

The Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~April 20, 2006~~ (71 FR 20446)].

§113.500. *Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process* (40 Code of Federal Regulations Part 63, Subpart SS).

The Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SS, is incorporated by reference as amended through July 6, 2020 (85 FR 40386) [~~April 20, 2006~~ (71 FR 20446)].

§113.510. *Equipment Leaks - Control Level 1* (40 Code of Federal Regulations Part [CFR] 63, Subpart TT).

The Equipment Leaks - Control Level 1 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TT, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

§113.520. *Equipment Leaks - Control Level 2* (40 Code of Federal Regulations Part [CFR] 63, Subpart UU).

The Equipment Leaks - Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UU, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

§113.540. *Storage Vessels (Tanks) - Control Level 2* (40 Code of Federal Regulations Part [CFR] 63, Subpart WW).

The Storage Vessels (Tanks) - Control Level 2 Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WW, is incorporated by reference as amended through July 12, 2002 (67 FR 46258).

§113.550. *Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations* (40 Code of Federal Regulations Part 63, Subpart XX).

The Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart

XX, is incorporated by reference as amended through July 6, 2020 (85 FR 40386) [~~April 13, 2005~~ (70 FR 19266)].

§113.560. *Source Categories: Generic Maximum Achievable Control Technology Standards* (40 Code of Federal Regulations Part 63, Subpart YY).

The Source Categories: Generic Maximum Achievable Control Technology Standards as specified in 40 Code of Federal Regulations Part 63, Subpart YY, is incorporated by reference as amended through November 19, 2021 (86 FR 66096) [~~October 8, 2014~~ (79 FR 60898)].

§113.600. *Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants* (40 Code of Federal Regulations Part 63, Subpart CCC).

The Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~September 19, 2012~~ (77 FR 58220)].

§113.610. *Mineral Wool Production* (40 Code of Federal Regulations Part 63, Subpart DDD).

The Mineral Wool Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDD, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [~~July 29, 2015~~ (80 FR 45280)].

§113.620. *Hazardous Waste Combustors* (40 Code of Federal Regulations Part 63, Subpart EEE).

The Hazardous Waste Combustors [Combustor] Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~October 28, 2008~~ (73 FR 64068)].

§113.640. *Pharmaceuticals Production* (40 Code of Federal Regulations Part 63, Subpart GGG).

The Pharmaceuticals Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~February 27, 2014~~ (79 FR 11228)].

§113.650. *Natural Gas Transmission and Storage Facilities* (40 Code of Federal Regulations Part 63, Subpart HHH).

The Natural Gas Transmission and Storage Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~August 16, 2012~~ (77 FR 49490)].

§113.660. *Flexible Polyurethane Foam Production* (40 Code of Federal Regulations Part 63, Subpart III).

The Flexible Polyurethane Foam Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart III, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~August 15, 2014~~ (79 FR 48073)].

§113.670. *Group IV Polymers and Resins* (40 Code of Federal Regulations Part 63, Subpart JJJ).

The Group IV Polymers and Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~March 27, 2014~~ (79 FR 17340)].

§113.690. *Portland Cement Manufacturing Industry* (40 Code of Federal Regulations Part 63, Subpart LLL).



The Portland Cement Manufacturing Industry Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~July 25, 2016 (81 FR 48356)~~].

§113.700. *Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM).*

The Pesticide Active Ingredient Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~March 27, 2014 (79 FR 17340)~~].

§113.710. *Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN).*

The Wool Fiberglass Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNN, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [~~July 29, 2015 (80 FR 45280)~~].

§113.720. *Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO).*

The Manufacture of Amino/Phenolic Resins Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOO, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~October 8, 2014 (79 FR 60898)~~].

§113.730. *Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP).*

The Polyether Polyols Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPP, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~March 27, 2014 (79 FR 17340)~~].

§113.740. *Primary Copper Smelting (40 Code of Federal Regulations Part 63, Subpart QQQ).*

The Primary Copper Smelting Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~April 20, 2006 (71 FR 20446)~~].

§113.750. *Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR).*

The Secondary Aluminum Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~June 13, 2016 (81 FR 38085)~~].

§113.770. *Primary Lead Smelting [Processing] (40 Code of Federal Regulations Part 63, Subpart TTT).*

The Primary Lead Smelting [Processing] Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~November 15, 2011 (76 FR 70834)~~].

§113.780. *Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU).*

The Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUU, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~July 13, 2016 (81 FR 45232)~~].

§113.790. *Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV).*

The Publicly Owned Treatment Works Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VVV, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~December 22, 2008 (73 FR 78199)~~].

§113.810. *Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX).*

The Ferroalloys Production: Ferromanganese and Silicomanganese Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXX, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~June 30, 2015 (80 FR 37366)~~].

§113.840. *Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA).*

The Municipal Solid Waste Landfills Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAA, is incorporated by reference as amended through February 14, 2020 (87 FR 8197) [~~April 20, 2006 (71 FR 20446)~~].

§113.860. *Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC).*

The Manufacturing of Nutritional Yeast Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCC, is incorporated by reference as amended through October 16, 2017 (82 FR 48156) [~~February 27, 2014 (79 FR 12228)~~].

§113.870. *Plywood and Composite Wood Products (40 Code of Federal Regulations Part 63, Subpart DDDD).*

The Plywood and Composite Wood Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDD, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~adopted July 30, 2004 (69 FR 45944) and amended February 16, 2006 (71 FR 8342), April 20, 2006 (71 FR 20446), and October 29, 2007 (72 FR 61060)~~].

§113.880. *Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE).*

The Organic Liquids Distribution (Non-Gasoline) Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~December 22, 2008 (73 FR 78199)~~].

§113.890. *Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF).*

The Miscellaneous Organic Chemical Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFF, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~December 22, 2008 (73 FR 78199)~~].

§113.900. *Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG).*

The Solvent Extraction for Vegetable Oil Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~April 20, 2006 (71 FR 20446)~~].

§113.910. *Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH).*

The Wet-Formed Fiberglass Mat Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.920. Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII).*

The Surface Coating of Automobiles and Light-Duty Trucks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart IIII, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [April 24, 2007 (72 FR 20227)].

*§113.930. Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ).*

The Paper and Other Web Coating Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 24, 2006 (71 FR 29792)].

*§113.940. Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK).*

The Surface Coating of Metal Cans Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKK, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [April 20, 2006 (71 FR 20446)].

*§113.960. Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM).*

The Surface Coating of Miscellaneous Metal Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMM, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2006 (71 FR 76927)].

*§113.970. Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN).*

The Surface Coating of Large Appliances Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNN, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.980. Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO).*

The Printing, Coating, and Dyeing of Fabrics and Other Textiles Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOOO, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [May 24, 2006 (71 FR 29792)].

*§113.990. Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP).*

The Surface Coating of Plastic Parts and Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PPPP, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 24, 2007 (72 FR 20227)].

*§113.1000. Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ).*

The Surface Coating of Wood Building Products Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.1010. Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR).*

The Surface Coating of Metal Furniture Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.1020. Surface Coating of Metal Coil (40 Code of Federal Regulations Part [CFR] 63, Subpart SSSS).*

The Surface Coating of Metal Coil Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSS, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 17, 2003 (68 FR 12590)].

*§113.1030. Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT).*

The Leather Finishing Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 7, 2005 (70 FR 6355)].

*§113.1040. Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU).*

The Cellulose Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUUU, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 27, 2014 (79 FR 11228)].

*§113.1050. Boat Manufacturing (40 Code of Federal Regulations Part [CFR] 63, Subpart VVVV).*

The Boat Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart VVVV, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [October 3, 2001 (66 FR 50504)].

*§113.1060. Reinforced Plastic Composites Production (40 Code of Federal Regulations Part 63, Subpart WWWW).*

The Reinforced Plastic Composites Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.1070. Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX).*

The Rubber Tire Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXXX, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

*§113.1080. Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY).*

The Stationary Combustion Turbines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart YYYY, is incorporated by reference as amended through March 9, 2022 (87 FR 13183) [April 20, 2006 (71 FR 20446)].

*§113.1090. Stationary Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ).*

The Stationary Reciprocating Internal Combustion Engines Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart ZZZZ, is incorporated by reference as amended through December 4, 2020 (85 FR 78412) [February 27, 2014 (79 FR 11228)].

§113.1100. *Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA).*

The Lime Manufacturing Plants Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAA, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [April 20, 2006 (71 FR 20446)].

§113.1110. *Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBBB).*

The Semiconductor Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 22, 2008 (73 FR 42529)].

§113.1120. *Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC).*

The Coke Ovens: Pushing, Quenching, and Battery Stacks Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1130. *Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD).*

The Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart DDDDD, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [November 20, 2015 (80 FR 72790)].

§113.1140. *Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE).*

The Iron and Steel Foundries Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart EEEEE, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [February 7, 2008 (73 FR 7210)].

§113.1150. *Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF).*

The Integrated Iron and Steel Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart FFFFF, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [July 13, 2006 (71 FR 39579)].

§113.1160. *Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG).*

The Site Remediation Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart GGGGG, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [December 22, 2008 (73 FR 78199)].

§113.1170. *Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH).*

The Miscellaneous Coating Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHHH, is incorporated by reference as amended through November 25, 2020 (85 FR 75235) [December 22, 2008 (73 FR 78199)].

§113.1180. *Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIIII).*

The Mercury Emissions from Mercury Cell Chlor-Alkali Plants Maximum Achievable Control Technology standard as specified in 40 Code

of Federal Regulations Part 63, Subpart IIIII, is incorporated by reference as amended through December 28, 2020 (85 FR 84261) [April 20, 2006 (71 FR 20446)].

§113.1190. *Brick [ABrick] and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ).*

The Brick and Structural Clay Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart JJJJJ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted October 26, 2015 (80 FR 65470)].

§113.1200. *Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK).*

The Clay Ceramics Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart KKKKK, is incorporated by reference as amended through November 19, 2021 (86 FR 66038) [December 4, 2015 (80 FR 75817)].

§113.1210. *Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL).*

The Asphalt Processing and Asphalt Roofing Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLL, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1220. *Flexible Polyurethane Foam Fabrication Operations (40 Code of Federal Regulations Part 63, Subpart MMMMM).*

The Flexible Polyurethane Foam Fabrication Operations Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMM, is incorporated by reference as amended through November 18, 2021 (86 FR 64385) [April 20, 2006 (71 FR 20446)].

§113.1230. *Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN).*

The Hydrochloric Acid Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart NNNNN, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1250. *Engine Test Cells/Stands (40 Code of Federal Regulations Part 63, Subpart PTTTT).*

The Engine Test Cells/Stands Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1260. *Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart QQQQQ).*

The Friction Materials Manufacturing Facilities Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1270. *Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR).*

The Taconite Iron Ore Processing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [April 20, 2006 (71 FR 20446)].

§113.1280. *Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS).*

The Refractory Products Manufacturing Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart SSSSS, is incorporated by reference as amended through November 19, 2021 (86 FR 66045) [~~April 20, 2006 (71 FR 20446)~~].

§113.1290. *Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT).*

The Primary Magnesium Refining Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~April 20, 2006 (71 FR 20446)~~].

§113.1300. *Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU).*

The Coal- and Oil-Fired Electric Utility Steam Generating Units Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart UUUUU, is incorporated by reference as amended through September 9, 2020 (85 FR 55744) [~~April 6, 2016 (81 FR 20172)~~].

§113.1320. *Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWW).*

The Hospital Ethylene Oxide Sterilizers Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~adopted December 28, 2007 (72 FR 73614)~~].

§113.1350. *Iron and Steel Foundries Area Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZZ).*

The Iron and Steel Foundries Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart ZZZZZ, is incorporated by reference as amended through September 10, 2020 (85 FR 56080) [~~adopted January 2, 2008 (73 FR 226)~~].

§113.1370. *Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBB).*

The Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~January 24, 2011 (76 FR 4156)~~].

§113.1380. *Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCC).*

The Gasoline Dispensing Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~January 24, 2011 (76 FR 4156)~~].

§113.1425. *Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHH).*

The Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHH-HHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~February 13, 2008 (73 FR 8408)~~].

§113.1435. *Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJ).*

The Industrial, Commercial, and Institutional Boilers Area Sources Generally Available Control Technology standard as specified in 40

Code of Federal Regulations Part 63, Subpart JJJJJ, is incorporated by reference as amended through September 14, 2016 (81 FR 63112) [~~February 1, 2013 (78 FR 7488)~~].

§113.1445. *Acrylic and Modacrylic Fibers Production Area Sources (40 Code of Federal Regulations Part 63, Subpart LLLLL).*

The Acrylic and Modacrylic Fibers Production Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart LLLLL, is incorporated by reference as amended through March 26, 2008 (73 FR 15923).

§113.1450. *Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMM).*

The Carbon Black Production Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart MMMMM, is incorporated by reference as amended through November 19, 2021 (86 FR 66096) [~~March 26, 2008 (73 FR 15923)~~].

§113.1460. *Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOO).*

The Flexible Polyurethane Foam Production and Fabrication Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart OOOOO, is incorporated by reference as amended through November 18, 2021 (86 FR 64385) [~~March 26, 2008 (73 FR 15923)~~].

§113.1465. *Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PTTTT).*

The Lead Acid Battery Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart PTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~March 26, 2008 (73 FR 15923)~~].

§113.1470. *Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQ).*

The Wood Preserving Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart QQQQQ, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~March 26, 2008 (73 FR 15923)~~].

§113.1475. *Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRR).*

The Clay Ceramics Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart RRRRR, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~adopted December 26, 2007 (72 FR 73180)~~].

§113.1485. *Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTT).*

The Secondary Nonferrous Metals Processing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart TTTTT, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~adopted December 26, 2007 (72 FR 73180)~~].

§113.1500. *Plating and Polishing Operations Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWW).*

The Plating and Polishing Operations Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart WWWWW, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [~~September 19, 2011 (76 FR 57913)~~].

§113.1505. *Nine Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXX).*

The Nine Metal Fabrication and Finishing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart XXXXXX, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted July 23, 2008 (73 FR 42978)].

§113.1510. *Ferroalloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY).*

The Ferroalloys Production Facilities Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart YYYYYY, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 23, 2008 (73 FR 78637)].

§113.1520. *Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart AAAAAA).*

The Asphalt Processing and Asphalt Roofing Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart AAAAAA, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [March 18, 2010 (75 FR 12988)].

§113.1525. *Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBB).*

The Chemical Preparations Industry Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart BBBB, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted December 30, 2009 (74 FR 69194)].

§113.1530. *Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCC).*

The Paints and Allied Products Manufacturing Area Sources Generally Available Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart CCCCC, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [June 3, 2010 (75 FR 31317)].

§113.1555. *Polyvinyl Chloride and Copolymers Production [Major Sources] (40 Code of Federal Regulations Part 63, Subpart HHHH).*

The Polyvinyl Chloride and Copolymers Production Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart HHHH, is incorporated by reference as amended through November 19, 2020 (85 FR 73854) [adopted April 17, 2012 (77 FR 22848)].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2022.

TRD-202202479

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Earliest possible date of adoption: August 14, 2022

For further information, please call: (512) 239-2678



## TITLE 43. TRANSPORTATION

### PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

## CHAPTER 217. VEHICLE TITLES AND REGISTRATION

### SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

#### 43 TAC §217.27

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes to amend Title 43 Texas Administrative Code, Subchapter B, §217.27 concerning personalized license plates. The amendments are necessary to clarify and modify the criteria for determining whether a personalized alphanumeric pattern is potentially objectionable under Transportation Code §504.008(e).

Section 504.008(e) authorizes the department to refuse to issue a specialty license plate with a personalized alphanumeric pattern that the director or the director's designee determines to be potentially objectionable to one or more members of the public. Section 217.27 implements §504.008(e) by setting out criteria for identifying alphanumeric patterns that may be potentially objectionable. The department has determined that the current rule needs to be less restrictive to allow personalized alphanumeric patterns that are not objectionable.

The department proposes substantive and non-substantive changes to amended §217.27.

The non-substantive changes renumber current subsections (e) - (g) as subsections (f) - (h) to accommodate renumbered subsection (e), correct spelling and grammar, revise for consistency in terms, and revise for plain English readability.

#### EXPLANATION.

Amended §217.27(d)(1) corrects spelling.

Amended §217.27(d)(2) deletes redundant language related to the term, "director," because this term is defined in §217.22(13); and adds "in any language" to words, phrases, or slang that may be objectionable. In the definition of "indecent," the amendment replaces "excrement" with "excreta"; modifies "bodily fluids and functions" by adding "sexual"; and adds "with the full year" to allow the alphanumeric pattern "1969." In the definitions of "vulgar" and "derogatory," the amendment adds "directly or indirectly" to specify that a reference may be directly or indirectly vulgar or derogatory. The amendment adds new criteria, "a direct or indirect negative instruction or command directed at another individual related to the operation of a motor vehicle," and deletes "reference to race, ethnicity, gender or sexual orientation whether the reference is derogatory or not." The amendment adds "direct or indirect" to certain references, such as gangs, illegal activities, controlled substances, and drug abuse; deletes the terms "violence" and "illegal drugs" as redundant. The amendment adds "direct" to qualify the term "representation of law enforcement or other governmental entities"; adds "exclusive to government" to qualify the term "public office or position"; and deletes "military or law enforcement rank or status, or any other official government position or status." The amendment adds "a pattern that could be misread by law enforcement," and deletes "deceptively similar to a military, restricted distribution, or other specialty plate."

Amended §217.27(d)(3) adds "on a license plate" to clarify that the department will not issue an alphanumeric pattern that is currently on a license plate that has been issued to another owner.

Figure: 30 TAC Chapter 113--Preamble

<b><i>Latest EPA Delegation National Emission Standards for Hazardous Air Pollutants (NESHAP) Effective March 13, 2018, published January 12, 2018 (83 FR 1559)</i></b>			
40 CFR Part 63 Subpart (Chapter 113 Section)	Section Title	NESHAP Incorporated by Reference through <i>Federal Register</i> date and cite	<i>Latest Incorporation (Commission Adoption)</i>
A (§113.100)	General Provisions (40 Code of Federal Regulations Part 63, Subpart A)	December 4, 2015 (80 FR 75817)	December 7, 2016
C (§113.106)	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List (40 Code of Federal Regulations Part 63, Subpart C)	December 19, 2005 (70 FR 75057)	December 5, 2007
F (§113.110)	Synthetic Organic Chemical Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart F)	December 21, 2006 (71 FR 76614)	December 5, 2007
G (§113.120)	Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (40 Code of Federal Regulations Part 63, Subpart G)	February 27, 2014 (79 FR 11228)	December 7, 2016
H (§113.130)	Organic Hazardous Air Pollutants for Equipment Leaks (40 Code of Federal	December 22, 2008 (73 FR 78199)	July 26, 2013

	Regulations Part 63, Subpart H)		
L (§113.170)	Coke Oven Batteries (40 Code of Federal Regulations Part 63, Subpart L)	April 20, 2006 (71 FR 20446)	December 5, 2007
M (§113.180)	Perchloroethylene Dry Cleaning Facilities (40 Code of Federal Regulations Part 63, Subpart M)	July 11, 2008 (73 FR 39871)	July 26, 2013
N (§113.190)	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 Code of Federal Regulations Part 63, Subpart N)	February 27, 2014 (79 FR 11228)	December 7, 2016
O (§113.200)	Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, Subpart O)	February 27, 2014 (79 FR 11228)	December 7, 2016
Q (§113.220)	Industrial Process Cooling Towers (40 Code of Federal Regulations Part 63, Subpart Q)	April 7, 2006 (71 FR 17738)	December 5, 2007
R (§113.230)	Gasoline Distribution Facilities (40 Code of Federal Regulations Part 63, Subpart R)	December 22, 2008 (73 FR 78199)	July 26, 2013
S (§113.240)	Pulp and Paper Industry (40 Code of Federal Regulations Part 63, Subpart S)	September 11, 2012 (77 FR 55698)	July 26, 2013
T (§113.250)	Halogenated Solvent Cleaning	May 3, 2007 (72 FR 25138)	December 5, 2007

	(40 Code of Federal Regulations Part 63, Subpart T)		
U (§113.260)	Group I Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart U)	April 21, 2011 (76 FR 22566)	July 26, 2013
W (§113.280)	Epoxy Resins Production and Non-Nylon Polyamides Production (40 Code of Federal Regulations Part 63, Subpart W)	April 20, 2006 (71 FR 20446)	December 5, 2007
X (§113.290)	Secondary Lead Smelting (40 Code of Federal Regulations Part 63, Subpart X)	January 3, 2014 (79 FR 367)	December 7, 2016
Y (§113.300)	Marine Vessel Loading (40 Code of Federal Regulations Part 63, Subpart Y)	December 1, 2015 (80 FR 75178)	December 7, 2016
AA (§113.320)	Phosphoric Acid Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AA)	August 19, 2015 (80 FR 50386)	December 7, 2016
BB (§113.330)	Phosphate Fertilizers Production Plants (40 Code of Federal Regulations Part 63, Subpart BB)	August 19, 2015 (80 FR 50386)	December 7, 2016
CC (§113.340)	Petroleum Refineries (40 Code of Federal Regulations Part 63, Subpart CC)	July 13, 2016 (81 FR 45232)	December 7, 2016
DD (§113.350)	Off-Site Waste and Recovery Operations (40 Code of Federal Regulations Part 63, Subpart DD)	March 18, 2015 (80 FR 14248)	December 7, 2016



EE (§113.360)	Magnetic Tape Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart EE)	June 23, 2003 (68 FR 37352)	May 25, 2005
GG (§113.380)	Aerospace Manufacturing and Rework Facilities (40 Code of Federal Regulations Part 63, Subpart GG)	August 3, 2016 (81 FR 51114)	December 7, 2016
HH (§113.390)	Oil and Natural Gas Production Facilities (40 Code of Federal Regulations Part 63, Subpart HH)	August 16, 2012 (77 FR 49490)	July 26, 2013
II (§113.400)	Shipbuilding and Ship Repair (Surface Coating) (40 Code of Federal Regulations Part 63, Subpart II)	November 21, 2011 (76 FR 72050)	July 26, 2013
JJ (§113.410)	Wood Furniture Manufacturing Operations (40 Code of Federal Regulations Part 63, Subpart JJ)	November 21, 2011 (76 FR 72050)	July 26, 2013
KK (§113.420)	Printing and Publishing (40 Code of Federal Regulations Part 63, Subpart KK)	April 21, 2011 (76 FR 22566)	July 26, 2013
LL (§113.430)	Primary Aluminum Reduction Plants (40 Code of Federal Regulations Part 63, Subpart LL)	October 15, 2015 (80 FR 62390)	December 7, 2016
MM (§113.440)	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 Code of Federal Regulations	April 20, 2006 (71 FR 20446)	December 5, 2007

	Part 63, Subpart MM)		
SS (§113.500)	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 Code of Federal Regulations Part 63, Subpart SS)	April 20, 2006 (71 FR 20446)	December 5, 2007
XX (§113.550)	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (40 Code of Federal Regulations Part 63, Subpart XX)	April 13, 2005 (70 FR 19266)	December 5, 2007
YY (§113.560)	Generic Maximum Achievable Control Technology Standards (40 Code of Federal Regulations Part 63, Subpart YY)	October 8, 2014 (79 FR 60898)	December 7, 2016
CCC (§113.600)	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 Code of Federal Regulations Part 63, Subpart CCC)	September 19, 2012 (77 FR 58220)	July 26, 2013
DDD (§113.610)	Mineral Wool Production (40 Code of Federal Regulations Part 63, Subpart DDD)	July 29, 2015 (80 FR 45280)	December 7, 2016
EEE (§113.620)	Hazardous Waste Combustors (40 Code of Federal Regulations Part 63, Subpart EEE)	October 28, 2008 (73 FR 64068)	July 26, 2013
GGG (§113.640)	Pharmaceuticals Production (40 Code of Federal	February 27, 2014 (79 FR 11228)	December 7, 2016

	Regulations Part 63, Subpart GGG)		
HHH (§113.650)	Natural Gas Transmission and Storage Facilities (40 Code of Federal Regulations Part 63, Subpart HHH)	August 16, 2012 (77 FR 49490)	July 26, 2013
III (§113.660)	Flexible Polyurethane Foam Production (40 Code of Federal Regulations Part 63, Subpart III)	August 15, 2014 (79 FR 48073)	December 7, 2016
JJJ (§113.670)	Group IV Polymers and Resins (40 Code of Federal Regulations Part 63, Subpart JJJ)	March 27, 2014 (79 FR 17340)	December 7, 2016
LLL (§113.690)	Portland Cement Manufacturing Industry (40 Code of Federal Regulations Part 63, Subpart LLL)	July 25, 2016 (81 FR 48356)	December 7, 2016
MMM (§113.700)	Pesticide Active Ingredient Production (40 Code of Federal Regulations Part 63, Subpart MMM)	March 27, 2014 (79 FR 17340)	December 7, 2016
NNN (§113.710)	Wool Fiberglass Manufacturing (40 Code of Federal Regulations Part 63, Subpart NNN)	July 29, 2015 (80 FR 45280)	December 7, 2016
OOO (§113.720)	Manufacture of Amino/Phenolic Resins (40 Code of Federal Regulations Part 63, Subpart OOO)	October 8, 2014 (79 FR 60898)	December 7, 2016
PPP (§113.730)	Polyether Polyols Production (40 Code of Federal Regulations Part 63, Subpart PPP)	March 27, 2014 (79 FR 17340)	December 7, 2016
QQQ (§113.740)	Primary Copper Smelting (40 Code	April 20, 2006 (71 FR 20446)	December 5, 2007

	of Federal Regulations Part 63, Subpart QQQ)		
RRR (\$113.750)	Secondary Aluminum Production (40 Code of Federal Regulations Part 63, Subpart RRR)	June 13, 2016 (81 FR 38085)	December 7, 2016
TTT (\$113.770)	Primary Lead Processing (40 Code of Federal Regulations Part 63, Subpart TTT)	November 15, 2011 (76 FR 70834)	July 26, 2013
UUU (\$113.780)	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 Code of Federal Regulations Part 63, Subpart UUU)	July 13, 2016 (81 FR 45232)	December 7, 2016
VVV (\$113.790)	Publicly Owned Treatment Works (40 Code of Federal Regulations Part 63, Subpart VVV)	December 22, 2008 (73 FR 78199)	July 26, 2013
XXX (\$113.810)	Ferroalloys Production: Ferromanganese and Silicomanganese (40 Code of Federal Regulations Part 63, Subpart XXX)	June 30, 2015 (80 FR 37366)	December 7, 2016
AAAA (\$113.840)	Municipal Solid Waste Landfills (40 Code of Federal Regulations Part 63, Subpart AAAA)	April 20, 2006 (71 FR 20446)	December 5, 2007
CCCC (\$113.860)	Manufacturing of Nutritional Yeast (40 Code of Federal Regulations Part 63, Subpart CCCC)	February 27, 2014 (79 FR 12228)	December 7, 2016
DDDD (\$113.870)	Plywood and Composite Wood Products (40 Code	October 29, 2007 (72 FR 61060)	December 5, 2007

	of Federal Regulations Part 63, Subpart DDDD)		
EEEE (\$113.880)	Organic Liquids Distribution (Non-Gasoline) (40 Code of Federal Regulations Part 63, Subpart EEEE)	December 22, 2008 (73 FR 78199)	July 26, 2013
FFFF (\$113.890)	Miscellaneous Organic Chemical Manufacturing (40 Code of Federal Regulations Part 63, Subpart FFFF)	December 22, 2008 (73 FR 78199)	July 26, 2013
GGGG (\$113.900)	Solvent Extraction for Vegetable Oil Production (40 Code of Federal Regulations Part 63, Subpart GGGG)	April 20, 2006 (71 FR 20446)	December 5, 2007
HHHH (\$113.910)	Wet-Formed Fiberglass Mat Production (40 Code of Federal Regulations Part 63, Subpart HHHH)	April 20, 2006 (71 FR 20446)	December 5, 2007
IIII (\$113.920)	Surface Coating of Automobiles and Light-Duty Trucks (40 Code of Federal Regulations Part 63, Subpart IIII)	April 24, 2007 (72 FR 20227)	December 5, 2007
JJJJ (\$113.930)	Paper and Other Web Coating (40 Code of Federal Regulations Part 63, Subpart JJJJ)	May 24, 2006 (71 FR 29792)	December 5, 2007
KKKK (\$113.940)	Surface Coating of Metal Cans (40 Code of Federal Regulations Part 63, Subpart KKKK)	April 20, 2006 (71 FR 20446)	December 5, 2007
MMMM (\$113.960)	Surface Coating of Miscellaneous Metal Parts and Products (40 Code of Federal Regulations Part 63, Subpart MMMM)	December 22, 2006 (71 FR 76927)	December 5, 2007

NNNN (\$113.970)	Surface Coating of Large Appliances (40 Code of Federal Regulations Part 63, Subpart NNNN)	April 20, 2006 (71 FR 20446)	December 5, 2007
OOOO (\$113.980)	Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 Code of Federal Regulations Part 63, Subpart OOOO)	May 24, 2006 (71 FR 29792)	December 5, 2007
PPPP (\$113.990)	Surface Coating of Plastic Parts and Products (40 Code of Federal Regulations Part 63, Subpart PPPP)	April 24, 2007 (72 FR 20227)	December 5, 2007
QQQQ (\$113.1000)	Surface Coating of Wood Building Products (40 Code of Federal Regulations Part 63, Subpart QQQQ)	April 20, 2006 (71 FR 20446)	December 5, 2007
RRRR (\$113.1010)	Surface Coating of Metal Furniture (40 Code of Federal Regulations Part 63, Subpart RRRR)	April 20, 2006 (71 FR 20446)	December 5, 2007
SSSS (\$113.1020)	Surface Coating of Metal Coil (40 CFR 63, Subpart SSSS)	March 17, 2003 (68 FR 12590)	June 18, 2003
TTTT (\$113.1030)	Leather Finishing Operations (40 Code of Federal Regulations Part 63, Subpart TTTT)	February 7, 2005 (70 FR 6355)	December 5, 2007
UUUU (\$113.1040)	Cellulose Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart UUUU)	February 27, 2014 (79 FR 11228)	December 7, 2016
VVVV (\$113.1050)	Boat Manufacturing (40 CFR 63, Subpart VVVV)	October 3, 2001 (66 FR 50504)	June 18, 2003
WWWW (\$113.1060)	Reinforced Plastic Composites Production (40 Code of Federal	April 20, 2006 (71 FR 20446)	December 5, 2007

	Regulations Part 63, Subpart WWWW)		
XXXX (§113.1070)	Rubber Tire Manufacturing (40 Code of Federal Regulations Part 63, Subpart XXXX)	April 20, 2006 (71 FR 20446)	December 5, 2007
YYYY (§113.1080)	Stationary Combustion Turbines (40 Code of Federal Regulations Part 63, Subpart YYYY)	April 20, 2006 (71 FR 20446)	December 5, 2007
ZZZZ (§113.1090)	Reciprocating Internal Combustion Engines (40 Code of Federal Regulations Part 63, Subpart ZZZZ)	February 27, 2014 (79 FR 11228)	December 7, 2016
AAAAA (§113.1100)	Lime Manufacturing Plants (40 Code of Federal Regulations Part 63, Subpart AAAAA)	April 20, 2006 (71 FR 20446)	December 5, 2007
BBBBB (§113.1110)	Semiconductor Manufacturing (40 Code of Federal Regulations Part 63, Subpart BBBB)	July 22, 2008 (73 FR 42529)	July 26, 2013
CCCCC (§113.1120)	Coke Ovens: Pushing, Quenching, and Battery Stacks (40 Code of Federal Regulations Part 63, Subpart CCCCC)	April 20, 2006 (71 FR 20446)	December 5, 2007
DDDDD (§113.1130)	Industrial, Commercial, and Institutional Boilers and Process Heaters Major Sources (40 Code of Federal Regulations Part 63, Subpart DDDDD)	November 20, 2015 (80 FR 72790)	December 7, 2016

EEEEE (§113.1140)	Iron and Steel Foundries (40 Code of Federal Regulations Part 63, Subpart EEEEE)	February 7, 2008 (73 FR 7210)	July 26, 2013
FFFFF (§113.1150)	Integrated Iron and Steel Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart FFFFF)	July 13, 2006 (71 FR 39579)	December 5, 2007
GGGGG (§113.1160)	Site Remediation (40 Code of Federal Regulations Part 63, Subpart GGGGG)	December 22, 2008 (73 FR 78199)	July 26, 2013
HHHHH (§113.1170)	Miscellaneous Coating Manufacturing (40 Code of Federal Regulations Part 63, Subpart HHHHH)	December 22, 2008 (73 FR 78199)	July 26, 2013
IIIII (§113.1180)	Mercury Emissions from Mercury Cell Chlor-Alkali Plants (40 Code of Federal Regulations Part 63, Subpart IIIII)	April 20, 2006 (71 FR 20446)	December 5, 2007
JJJJJ (§113.1190)	Brick and Structural Clay Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart JJJJJ)	October 26, 2015 (80 FR 65470)	December 7, 2016
KKKKK (§113.1200)	Clay Ceramics Manufacturing (40 Code of Federal Regulations Part 63, Subpart KKKKK)	December 4, 2015 (80 FR 75817)	December 7, 2016
LLLLL (§113.1210)	Asphalt Processing and Asphalt Roofing Manufacturing (40 Code of Federal Regulations Part 63, Subpart LLLLL)	April 20, 2006 (71 FR 20446)	December 5, 2007
MMMMM (§113.1220)	Flexible Polyurethane Foam Fabrication Operations (40	April 20, 2006 (71 FR 20446)	December 5, 2007



	Code of Federal Regulations Part 63, Subpart MMMMM)		
NNNNN (§113.1230)	Hydrochloric Acid Production (40 Code of Federal Regulations Part 63, Subpart NNNNN)	April 20, 2006 (71 FR 20446)	December 5, 2007
PPPPP (§113.1250)	Engine Test Cells/Stands (40 Code of Federal Regulations Part 63, Subpart PPPPP)	April 20, 2006 (71 FR 20446)	December 5, 2007
QQQQQ (§113.1260)	Friction Materials Manufacturing Facilities (40 Code of Federal Regulations Part 63, Subpart QQQQQ)	April 20, 2006 (71 FR 20446)	December 5, 2007
RRRRR (§113.1270)	Taconite Iron Ore Processing (40 Code of Federal Regulations Part 63, Subpart RRRRR)	April 20, 2006 (71 FR 20446)	December 5, 2007
SSSSS (§113.1280)	Refractory Products Manufacturing (40 Code of Federal Regulations Part 63, Subpart SSSSS)	April 20, 2006 (71 FR 20446)	December 5, 2007
TTTTT (§113.1290)	Primary Magnesium Refining (40 Code of Federal Regulations Part 63, Subpart TTTTT)	April 20, 2006 (71 FR 20446)	December 5, 2007
UUUUU (§113.1300)	Coal- and Oil-Fired Electric Utility Steam Generating Units (40 Code of Federal Regulations Part 63, Subpart UUUUU)	April 6, 2016 (81 FR 20172)	December 7, 2016
WWWWW (§113.1320)	Hospital Ethylene Oxide Sterilizers Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWW)	December 28, 2007 (72 FR 73611)	July 26, 2013
ZZZZZ (§113.1350)	Iron and Steel Foundries Area	January 2, 2008 (73 FR 226)	July 26, 2013

	Sources (40 Code of Federal Regulations Part 63, Subpart ZZZZZ)		
BBBBBB (\$113.1370)	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBB) )	January 24, 2011 (76 FR 4156)	July 26, 2013
CCCCCC (\$113.1380)	Gasoline Dispensing Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCC)	January 24, 2011 (76 FR 4156)	July 26, 2013
HHHHHH (\$113.1425)	Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 Code of Federal Regulations Part 63, Subpart HHHHH)	February 13, 2008 (73 FR 8408)	July 26, 2013
JJJJJ (\$113.1435)	Industrial, Commercial, and Institutional Boilers Area Sources (40 Code of Federal Regulations Part 63, Subpart JJJJJ)	February 1, 2013 (78 FR 7488)	July 26, 2013
MMMMMM (\$113.1450)	Carbon Black Production Area Sources (40 Code of Federal Regulations Part 63, Subpart MMMMM)	March 26, 2008 (73 FR 15923)	July 26, 2013
OOOOOO (\$113.1460)	Flexible Polyurethane Foam Production and Fabrication Area Sources (40 Code of Federal Regulations Part 63, Subpart OOOOO)	March 26, 2008 (73 FR 15923)	July 26, 2013

PPPPPP (\$113.1465)	Lead Acid Battery Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart PPPPPP)	March 26, 2008 (73 FR 15923)	July 26, 2013
QQQQQQ (\$113.1470)	Wood Preserving Area Sources (40 Code of Federal Regulations Part 63, Subpart QQQQQQ)	March 26, 2008 (73 FR 15923)	July 26, 2013
RRRRRR (\$113.1475)	Clay Ceramics Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart RRRRRR)	December 26, 2007 (72 FR 73180)	July 26, 2013
TTTTTT (\$113.1485)	Secondary Nonferrous Metals Processing Area Sources (40 Code of Federal Regulations Part 63, Subpart TTTTTT)	December 26, 2007 (72 FR 73180)	July 26, 2013
WWWWWW (\$113.1500)	Plating and Polishing Area Sources (40 Code of Federal Regulations Part 63, Subpart WWWWWW)	September 19, 2011 (76 FR 57913)	July 26, 2013
XXXXXX (\$113.1505)	Metal Fabrication and Finishing Area Sources (40 Code of Federal Regulations Part 63, Subpart XXXXXX)	July 23, 2008 (73 FR 42978)	July 26, 2013
YYYYYY (\$113.1510)	Ferrous Alloys Production Facilities Area Sources (40 Code of Federal Regulations Part 63, Subpart YYYYYY)	December 23, 2008 (73 FR 78637)	July 26, 2013
AAAAAAA (\$113.1520)	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (40 Code of Federal Regulations)	March 18, 2010 (75 FR 12988)	July 26, 2013

	Part 63, Subpart AAAAAAA)		
BBBBBBB (\$113.1525)	Chemical Preparations Industry Area Sources (40 Code of Federal Regulations Part 63, Subpart BBBBBBB)	December 30, 2009 (74 FR 69194)	July 26, 2013
CCCCCCC (\$113.1530)	Paints and Allied Products Manufacturing Area Sources (40 Code of Federal Regulations Part 63, Subpart CCCCCCC)	June 3, 2010 (75 FR 31317)	July 26, 2013
HHHHHHH (\$113.1555)	Polyvinyl Chloride and Copolymers Production Major Sources (40 Code of Federal Regulations Part 63, Subpart HHHHHHH)	April 17, 2012 (77 FR 22848)	July 26, 2013

# Texas Commission on Environmental Quality



## ORDER ADOPTING AMENDED RULES

**Docket No. 2021-1456-RUL**  
**Rule Project No. 2022-005-113-AI**

On December 14, 2022, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered adoption of amended §§113.100, 113.106, 113.110, 113.120, 113.130, 113.170, 113.180, 113.190, 113.200, 113.220, 113.230, 113.240, 113.250, 113.260, 113.280, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.360, 113.380, 113.390, 113.400, 113.410, 113.420, 113.430, 113.440, 113.500, 113.510, 113.520, 113.540, 113.550, 113.560, 113.600, 113.610, 113.620, 113.640, 113.650, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.740, 113.750, 113.770, 113.780, 113.790, 113.810, 113.840, 113.860, 113.870, 113.880, 113.890, 113.900, 113.910, 113.920, 113.930, 113.940, 113.960, 113.970, 113.980, 113.990, 113.1000, 113.1010, 113.1020, 113.1030, 113.1040, 113.1050, 113.1060, 113.1070, 113.1080, 113.1090, 113.1100, 113.1110, 113.1120, 113.1130, 113.1140, 113.1150, 113.1160, 113.1170, 113.1180, 113.1190, 113.1200, 113.1210, 113.1220, 113.1230, 113.1250, 113.1260, 113.1270, 113.1280, 113.1290, 113.1300, 113.1320, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1460, 113.1465, 113.1470, 113.1475, 113.1485, 113.1500, 113.1505, 113.1510, 113.1520, 113.1525, 113.1530, and 113.1555. The Commission adopts these amendments in 30 Texas Administrative Code (TAC) Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The commission adopts these amendments to incorporate by reference changes that the United States Environmental Protection Agency has made to the NESHAP under 40 Code of Federal Regulations Part 63 to ensure that these standards are consistently applied and enforced in the state of Texas.

Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (West 2016), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code. The proposed rules were published for comment in the July 15, 2022, issue of the *Texas Register* (47 TexReg 4072). Pursuant to Tex. Health & Safety Code Ann. § 382.017 (West 2016), Tex. Gov't Code Ann., Chapter 2001 (West 2016), and after proper notice, the Commission offered a public hearing to consider the amended rules. Proper notice included prominent advertisement in the areas affected at least 30 days prior to the date of the hearing. A public hearing was offered in Austin, Texas on August 11, 2022.

The Commission circulated hearing notices of its intended action to the public, including interested persons. The public was invited to submit data, views, and recommendations on the proposed amended rules, either orally or in writing, at the hearing or during the comment period. Prior to the scheduled hearing, copies of the proposed amended rules were available for public inspection at the Commission's central office and on the Commission's website.

Data, views, and recommendations of interested persons regarding the proposed amended rules were submitted to the Commission during the comment period and were considered by the Commission as reflected in the analysis of testimony incorporated by reference to this Order. The Commission finds that the analysis of testimony includes the names of all interested groups or associations offering comment on the proposed amended rules and their position concerning the same.

IT IS THEREFORE ORDERED BY THE COMMISSION that the amended rules incorporated by reference to this Order are hereby adopted. The Commission further authorizes staff to make any non-substantive revisions to the rules necessary to comply with *Texas Register* requirements. The adopted rules and the preamble to the adopted rules are incorporated by reference in this Order as if set forth at length verbatim in this Order.

IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Chairman should transmit a copy of this Order, together with the adopted rules, to the Regional Administrator of EPA to request delegation of authority to implement and enforce the NESHAP pursuant to the Federal Clean Air Act, codified at 42 U.S. Code Ann. §§ 7401 - 7671q, as amended.

This Order constitutes the Order of the Commission required by the Administrative Procedure Act, Tex. Gov't Code Ann., Chapter 2001 (West 2016).

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

---

Jon Niermann, Chairman

---

Date Signed