

Texas Commission on Environmental Quality
January 26, 2024

Plain Language Summary of Proposed Revisions to 30 TAC Chapter 116 and the State Implementation Plan

Introduction

The Texas Commission on Environmental Quality (TCEQ or commission) is seeking to amend 30 Texas Administrative Code (TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, §116.150(e), and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the U.S. Environmental Protection Agency (EPA) concerning SIPs.

Summary

The proposed amendment (Rule Project No. 2023-121-116-AI) is in response to a comment received in July 2022 by EPA on the El Paso County Emissions Inventory (EI) State Implementation Plan Revision. It will clarify that the already effective nitrogen oxides (NO_x) exemption for the El Paso nonattainment area applies only for the 1979 one-hour ozone National Ambient Air Quality Standard (NAAQS), in accordance with EPA's approval of the NO_x waiver. New or modified major stationary sources in ozone nonattainment areas must comply with requirements for nonattainment new source review permitting for emissions of both volatile organic compounds (VOC) and NO_x, unless the area has an approved NO_x waiver. Although the 1979 one-hour ozone NAAQS has been revoked by EPA, states must continue to implement applicable requirements unless their removal is approved by EPA. Clarification of the applicability of the NO_x waiver will assure appropriate and effective implementation of the requirement.

Public Comment and Public Hearing Information

The TCEQ will offer a hybrid in-person and virtual formal public hearing on the proposed amendment to 30 TAC Chapter 116 and the SIP. The hearing will be offered in Austin on Tuesday, February 27, 2024, at 10:00 a.m. in Building E, Room 201S, at the TCEQ's central office located at 12100 Park 35 Circle.

Individuals who plan to attend the hearing virtually and want to provide oral comments must register by Friday, February 23, 2024. To register, please email 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 Monday, February 26, 2024, 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_YTkzNmNkYTgtZmViYS00ZDRjLWl4ZWUtMzNmMDA2OTA2YTk4%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%22%7d

The hearing will be offered to receive public comments on the proposed amendment to 30 TAC Chapter 116 and the SIP. Spanish language interpretation services will be provided. For accommodation needs, contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD) as far in advance as possible.

The comment period for these proposed action opens on January 26, 2024, and closes at midnight on February 27, 2024. Submit written comments through the TCEQ Public Comments system at <https://tceq.commentinput.com/comment/search> or by mail to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. Comments may also be faxed to fax4808@tceq.texas.gov. Comments must reference Rule Project No. 2023-121-116-AI.

For more information about the proposal or to get help with submitting written comments, contact Suzanne Alexander, Rule Project Manager, at (512) 239-2134 or suzanne.alexander@tceq.texas.gov.