

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** April 18, 2008  
**Thru:** LaDonna Castañuela, Chief Clerk  
Glenn Shankle, Executive Director  
**From:** Dan Eden, Deputy Director  
Office of Permitting, Remediation, and Registration  
**Docket No.:** 2007-1611-RUL  
**Subject:** Commission Approval for Rulemaking Adoption  
Chapter 116, Control of Air Pollution by Permits for New Construction or Modification  
Senate Bill (SB) 1673: Concurrent Renewals and Amendments  
Rule Project No. 2007-024-116-PR

**Scope of the rulemaking:** The amendments would add a description of the SB 1673 limitations for submitting a renewal application concurrently with an amendment application.

**Reasons for the rule package:** Updating Chapter 116 would make it consistent with SB 1673 that allows a permit to be renewed when amended. Although there are no official deadlines, SB 1673 was effective May 9, 2007. These changes are to make Chapter 116 consistent with this bill.

**Statutory Authority:** Texas Water Code, §5.103, Rules; and Texas Health and Safety Code, §382.011, General Powers and Duties, §382.012, State Air Control Plan, §382.017, Rules, §382.055, Review and Renewal of Preconstruction Permit, §382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing, and §382.0518, Preconstruction Permit.

**Potentially controversial matters:** None.

**Public comment:** No comments were made at the public hearing. The United States Environmental Protection Agency (EPA) provided written comments. These comments requested clarification regarding public notice and fees. The EPA also commented that earlier versions of 30 TAC §116.315 have been submitted for state implementation plan (SIP) approval on September 4, 2002 and September 25, 2003, but have not yet been approved by the EPA, so the revision to §116.315 cannot be processed until the EPA has approved the previously submitted SIP revisions. The EPA discouraged the inclusion of a citation that was not being revised in this rulemaking. The comments did not result in any changes to the rule.

**Significant changes from proposal:** None.

**Key points in adoption rulemaking schedule:**

*Texas Register* proposal publication date: December 21, 2007

Six-month *Texas Register* filing deadline: June 23, 2008

Anticipated *Texas Register* publication date: May 23, 2008

Anticipated effective date: May 29, 2008

**Agency contacts:**

Becky Southard, Rule Project Manager, 239-1638, Air Permits Division

John Minter, Staff Attorney, 239-0663

Kristin Smith, Texas Register Coordinator, 239-0177

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Re: Docket No. 2007-1611-RUL

Attachments

cc: Chief Clerk, 5 copies  
Executive Director's Office  
David C. Schanbacher, P.E.  
Ashley K. Wadick  
Daniel Womack  
Zak Covar  
Office of General Counsel  
Becky Southard  
Kristin Smith