

Pursuant to the interpretation set forth in the May 10, 1995 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone Ambient Air Quality Standard" (Clean Data Policy), EPA is proposing to make a finding of attainment based on current air quality. Under this policy, if EPA determines through rulemaking that the DFW 1-hour ozone nonattainment area is meeting the 1-hour ozone standard, the requirements for the State to submit and have approved an attainment demonstration and related components such as reasonably available control measures (RACM), an RFP demonstration (including the 5% IOP plan), and contingency measures for failure to attain or make RFP are suspended as long as the area continues to attain the 1-hour ozone NAAQS. If the area subsequently violates the ozone NAAQS, EPA would initiate notice-and-comment rulemaking to withdraw the determination of attainment, which would result in reinstatement of the requirement for the State to submit such plans.

The Tenth, Seventh and Ninth Circuits have upheld EPA rulemakings applying the Clean Data Policy. See *Sierra Club v. EPA*, 99 F. 3d 1551 (10th Cir. 1996); *Sierra Club v. EPA*, 375 F.3d 537 (7th Cir. 2004) and *Our Children's Earth Foundation v. EPA*, No. 04-73032 (9th Cir. June 28, 2005) memorandum opinion.¹ See also the discussion and rulemakings cited in the Phase 2 Rule, 70 FR 71644-71646 (November 29, 2005).

IV. What Action Is EPA Taking?

EPA proposes to find that the DFW 1-hour ozone nonattainment area has attained the 1-hour ozone standard. Thus the requirements for submitting the attainment demonstration, RFP requirements, or in this case a 5% IOP, (40 CFR 51.905(a)), and section 172(c)(9) and section 182(c)(9) contingency measures are suspended for so long as the area is attaining the standard.

Thus pursuant to our proposed determination of attainment and in accordance with our Clean Data Policy, the effect of the finding is that the following requirements to submit SIP measures under the 1-hour anti-backsliding provisions (40 CFR Section 51.905) are suspended for so long as the

area continues to attain the 1-hour standard:

RFP reductions under section 182(c)(2)(B) (for serious and above areas)

Attainment demonstration under section 182(c)(2) (for serious and above areas)

Contingency measures under section 172(c)(9) and section 182(c)(9) (for serious and above areas).

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action proposes to make a determination based on air quality data, and would, if finalized, result in the suspension of certain Federal requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). Because this rule proposes to make a determination based on air quality data, and would, if finalized, result in the suspension of certain Federal requirements, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This proposed action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to make a determination based on air quality data and would, if finalized, result in the suspension of certain Federal requirements, and does not alter the relationship or the distribution of power and

responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it proposes to determine that air quality in the affected area is meeting Federal standards. The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply because it would be inconsistent with applicable law for EPA, when determining the attainment status of an area, to use voluntary consensus standards in place of promulgated air quality standards and monitoring procedures that otherwise satisfy the provisions of the Clean Air Act. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). Under Executive Order 12898, EPA finds that this rule involves a proposed determination of attainment based on air quality data and will not have disproportionately high and adverse human health or environmental effects on any communities in the area, including minority and low-income communities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 1, 2008.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E8-15809 Filed 7-10-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2007-0523; FRL-8690-5]

Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NO_x) From Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing approval of rules for the control of NO_x emissions into the Texas State Implementation Plan (SIP). The Texas

¹ The Clean Data Policy, as it is embodied in 40 CFR 51.918, is being challenged in the context of the 8-hour ozone standard in the Phase 2 Rule ozone litigation pending in the D.C. Circuit, *NRDC v. EPA*, No. 06-1045 (D.C. Cir.).

Commission on Environmental Quality (TCEQ) submitted this revision to the SIP to us on May 30, 2007 (May 30, 2007 SIP revision). The May 30, 2007 SIP revision is a substantive and non-substantive recodification and reformatting of the NO_x rules currently approved in the Texas SIP. This revision also includes a part of the NO_x reductions needed for the Dallas/Forth Worth (D/FW) area to attain the Federal 8-hour ozone National Ambient Air Quality Standard (NAAQS). This rulemaking covers four separate actions. First, we are proposing to approve the repeal of the current Chapter 117 rules that correspond to the non-substantive new rules and the revised and reformatted rules because the reformatted revision will better accommodate future additions/revisions to the rules. See section 1 of this document. Second, we are proposing to approve revisions to the Texas SIP that add new controls for the D/FW major NO_x point sources. We are not, however, taking action on the Texas rules for cement plants in this document. The rules for cement plants are being evaluated in a separate **Federal Register** document. See sections 5, 6, 13, and 14 of this document. Third, we are proposing to approve revisions to the Texas SIP that add new controls for D/FW minor NO_x sources. See section 15 of this document. Fourth, we are proposing to approve revisions to the Texas SIP that add new controls for combustion sources in East Texas. See section 16 of this document. These NO_x reductions will assist the D/FW area to attain the 8-hour ozone NAAQS. We are proposing approval of these actions as meeting the requirements of section 110 and part D of the Federal Clean Air Act (the Act).

DATES: Comments must be received on or before August 11, 2008.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2007-0523, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *U.S. EPA Region 6 "Contact Us" Web site:* <http://epa.gov/region6/r6comment.htm>. Please click on "6PD" (Multimedia) and select "Air" before submitting comments.

- *E-mail:* Mr. Guy Donaldson at donaldson.guy@epa.gov. Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.

- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R06-OAR-2007-0523. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through www.regulations.gov or e-mail that you consider to be CBI or otherwise protected from disclosure. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Planning Section (6PD-L),

Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-6691, fax (214) 665-7263, e-mail address shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to EPA.

I. General Information

What Should I Consider as I Prepare My Comments for EPA?

A. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

B. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

• Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.

• Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.

II. Background

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1. What are we proposing to approve?

On May 30, 2007, TCEQ submitted rule revisions to 30 TAC, Chapter 117, "Control of Air Pollution from Nitrogen Compounds," as a revision to the Texas SIP for point sources of NO_x (May 30, 2007 SIP revision). The State of Texas submitted the May 30, 2007 SIP revision to us, to, among other things, provide a portion of the NO_x reductions needed for the D/FW area to attain the Federal 8-hour ozone NAAQS. We are taking four separate actions in this rulemaking action.

First, these revisions involve repealing the current Chapter 117 rules, and simultaneously proposing to approve into the Texas SIP, a new reformatted Chapter 117. We are proposing to approve the repeal of the current Chapter 117, and the recodification and reformatting of Chapter 117 because the reformatted revision will better accommodate future additions/revisions to the rules and will maintain consistency between the State rules and Federal SIP. We are proposing to approve all of the non-substantive reformatted, restructured, renumbered, reorganized, and administrative revisions to the wording of Chapter 117 into Texas SIP. We want to clarify that the specifically identified rules do not make any changes to the substance of the rules that we previously approved into the Texas SIP, Chapter 117. By approving the repeal of the current Texas SIP, Chapter 117's rules we are making it clear that the new rules replace the previous rules in their entirety. We are proposing to approve these non-substantive reformatted, restructured, renumbered, reorganized,

and administrative revisions to the wording of Chapter 117 under section 110 and part D of the Act. For a full list of affected sections see section 3 of this document.

Second, we are proposing to approve revisions to the D/FW NO_x major point source rules. See sections 5, 6, 13, and 14 of this document. Sections 117.410(a), 117.410(b) and 117.310(b) contain substantive changes in the reformatted Chapter 117 rules that result in additional NO_x reductions. These reductions were not previously a part of EPA-approved Texas SIP, Chapter 117.

Third, we are proposing to approve revisions to the D/FW minor source rules for the control of NO_x. See section 15 of this document. Sections 117.2010(a) and 117.2110(a) contain substantive changes in the reformatted Chapter 117 rules that result in additional NO_x reductions which will help the DFW area to attain the 1997 8-hour ozone standard. These reductions were not previously a part of EPA-approved Texas SIP, Chapter 117.

Fourth, we are proposing to approve revisions to the rules for the control of NO_x emissions from combustion sources in East Texas. See section 16 of this document. Sections 117.3310(a) and 117.3010(a) contain substantive changes in the reformatted Chapter 117 rules that result in 22.4 Tons Per Day (TPD) of cumulative NO_x reductions. These reductions were not previously a part of EPA-approved Texas SIP, Chapter 117.

Tables 1 and 2 list the section of the Texas rules with significant modifications and minor substantive modifications, respectively. Since Texas has reformatted and recodified the rule, the remaining sections of Chapter 117 are affected by this revision in nonsubstantive ways. Table 3 lists all of the sections that are impacted by this revision both in substantive and in nonsubstantive ways.

Table 1 contains a list of the sections of Chapter 117 with significant modifications. Also see Figure 1 of 30 TAC Chapter 117 at 31 Texas Register 10899, published December 29, 2006.

TABLE 1.—DESCRIPTION AND SECTIONS OF 30 TAC, CHAPTER 117 PROPOSED FOR MODIFICATION

Description	Section
Subchapter A: Definitions	117.10(2), 117.10(14), 117.10(24), 117.10(29), 117.10(44), and 117.10(51).
Subchapter B, Division 4, Dallas-Fort Worth Eight Hour Ozone Nonattainment Area Major Sources.	117.400–117.456.
Removal from Subchapter B, Division 2 after compliance date for Division 4	117.200(b).
Subchapter C, Division 4, Dallas-Fort Worth Eight Hour Ozone Nonattainment Area Utility Electric Generation Sources.	117.1300–117.1356.
Removal from Subchapter C, Division 2 after compliance date for Division 4	117.1100(c)
Subchapter D, Division 2, Dallas-Fort Worth Eight Hour Ozone Nonattainment Area Minor Sources.	117.2100–117.2145.

TABLE 1.—DESCRIPTION AND SECTIONS OF 30 TAC, CHAPTER 117 PROPOSED FOR MODIFICATION—Continued

Description	Section
Subchapter E: Multi-Region Combustion Control, Division 4, East Texas Combustion	117.3300–117.3345.
Subchapter H: Administrative Provisions, Division 1, Compliance Schedules	117.9030, 117.9130, 117.9210, 117.9320, and 117.9340.

The following Table 2 contains a list of changes to existing Chapter 117 language that are minor in nature. Also see Figure 1 of 30 TAC Chapter 117 at 31 Texas Register 10900, published December 29, 2006.

TABLE 2.—DESCRIPTION AND SECTIONS OF 30 TAC, CHAPTER 117 WITH MINOR CHANGES

Description	Section
Add equation for oxygen correction of pollutant concentration	117.10(35).
Update utility boiler definition and utility electric generation rules applicability consistent with East and Central Texas utility rules.	117.10(52), 117.1000, 117.1100, and 117.1200.
Update emergency fuel oil exemption to include only appropriate reliability councils	117.1003(c), 117.1103(c), and 117.1203(c).
Include list of ammonia methods in test methods procedures	117.8000(c).
Allow major sources to petition ED for shorter test times	117.8000(b).
Change references of “upsets” to “emissions events.”	117.123(k), 117.223(k), 117.323(k), 117.1020(k), 117.1120(k), and 117.1220(k).
Clarify system cap equations to allow for adjustment period after startup	117.320(c).
Additional data substitution option for major sources subject to MECT	117.340(c).
Expand engine low use requirement from quarterly testing to BPA and D/FW	117.8140(b).
Update references to 101.222 to be consistent with current	101.222, 117.145(a), 117.245(a), 117.345(a), 117.1045(a), 117.1145(a), 117.1245(a), and 117.3045(a).
Clarify compliance schedule for industrial EGFs to submit level of activity information	117.9020(2)(B).

For more details on each of these actions, you can refer to our Technical Support Document (TSD) developed in conjunction with this rulemaking action. We are proposing to approve revisions to 30 TAC, Chapter 117, described above as actions one through four, because these revisions to 30 TAC Chapter 117 will enhance the Texas SIP for controlling NO_x emissions from stationary sources and the NO_x emission reductions will assist the D/FW area to attain the 1997 8-hour ozone NAAQS. Furthermore, approving the non-substantive changes will maintain

consistency between the State rules and Federal SIP.

2. What is the relationship between the May 30, 2007 SIP revision and the ozone attainment demonstration plan for the D/FW?

The resulting emissions reductions of NO_x, an ozone precursor, from this SIP revision will assist in bringing the D/FW area into attainment with the 8-hour ozone NAAQS, and help with the maintenance of the ozone NAAQS in the East and Central parts of the State. We will be reviewing the 8-hour ozone

attainment demonstration plan in a separate rulemaking action.

3. What sections of the May 30, 2007, SIP revision will become part of Texas SIP?

Table 3 below contains a summary list of the sections of 30 TAC, Chapter 117 that Texas submitted on May 30, 2007, for point sources of NO_x that we are proposing become part of the Texas SIP. Table 3 includes both the sections with substantive changes and the nonsubstantive changes.

TABLE 3.—SECTION NUMBERS AND SECTION DESCRIPTIONS OF 30 TAC, CHAPTER 117 AFFECTED BY THE MAY 30, 2007, PROPOSED RULE REVISION

Section No.	Description
Section 117.10	Definitions.
Section 117.100	Applicability.
Section 117.103	Exemptions.
Section 117.105	Emission Specifications for Reasonably Available Control Technology (RACT).
Section 117.110	Emission Specifications for Attainment Demonstration.
Section 117.115	Alternative Plant-Wide Emission Specifications.
Section 117.123	Source Cap.
Section 117.130	Operating Requirements.
Section 117.135	Initial Demonstration of Compliance.
Section 117.140	Continuous Demonstration of Compliance.
Section 117.145	Notification, Recordkeeping, and Reporting Requirements.
Section 117.150	Initial Control Plan Procedures.
Section 117.152	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.154	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.156	Revision of Final Control Plan.
Section 117.200	Applicability.
Section 117.203	Exemptions.
Section 117.205	Emission Specifications for Reasonably Available Control Technology (RACT).

TABLE 3.—SECTION NUMBERS AND SECTION DESCRIPTIONS OF 30 TAC, CHAPTER 117 AFFECTED BY THE MAY 30, 2007, PROPOSED RULE REVISION—Continued

Section No.	Description
Section 117.210	Emission Specifications for Attainment Demonstration.
Section 117.215	Alternative Plant-Wide Emission Specifications.
Section 117.223	Source Cap.
Section 117.230	Operating Requirements.
Section 117.235	Initial Demonstration of Compliance.
Section 117.240	Continuous Demonstration of Compliance.
Section 117.245	Notification, Recordkeeping, and Reporting Requirements.
Section 117.252	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.254	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.256	Revision of Final Control Plan.
Section 117.300	Applicability.
Section 117.303	Exemptions.
Section 117.305	Emission Specifications for Reasonably Available Control Technology (RACT).
Section 117.310	Emission Specifications for Attainment Demonstration.
Section 117.315	Alternative Plant-Wide Emission Specifications.
Section 117.320	System Cap.
Section 117.323	Source Cap.
Section 117.330	Operating Requirements.
Section 117.335	Initial Demonstration of Compliance.
Section 117.340	Continuous Demonstration of Compliance.
Section 117.345	Notification, Recordkeeping, and Reporting Requirements.
Section 117.350	Initial Control Plan Procedures.
Section 117.352	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.354	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.356	Revision of Final Control Plan.
Section 117.400	Applicability.
Section 117.403	Exemptions.
Section 117.410	Emission Specifications for Eight-Hour Attainment Demonstration.
Section 117.423	Source Cap.
Section 117.430	Operating Requirements.
Section 117.435	Initial Demonstration of Compliance.
Section 117.440	Continuous Demonstration of Compliance.
Section 117.445	Notification, Recordkeeping, and Reporting Requirements.
Section 117.450	Initial Control Plan Procedures.
Section 117.454	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.456	Revision of Final Control Plan.
Section 117.1000	Applicability.
Section 117.1003	Exemptions.
Section 117.1005	Emission Specifications for Reasonably Available Control Technology (RACT).
Section 117.1010	Emission Specifications for Attainment Demonstration.
Section 117.1015	Alternative System-Wide Emission Specifications.
Section 117.1020	System Cap.
Section 117.1035	Initial Demonstration of Compliance.
Section 117.1040	Continuous Demonstration of Compliance.
Section 117.1045	Notification, Recordkeeping, and Reporting Requirements.
Section 117.1052	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.1054	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.1056	Revision of Final Control Plan.
Section 117.1100	Applicability.
Section 117.1103	Exemptions.
Section 117.1105	Emission Specifications for Reasonably Available Control Technology (RACT).
Section 117.1110	Emission Specifications for Attainment Demonstration.
Section 117.1115	Alternative System-Wide Emission Specifications.
Section 117.1120	System Cap.
Section 117.1135	Initial Demonstration of Compliance.
Section 117.1140	Continuous Demonstration of Compliance.
Section 117.1145	Notification, Recordkeeping, and Reporting Requirements.
Section 117.1152	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.1154	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.1156	Revision of Final Control Plan.
Section 117.1200	Applicability.
Section 117.1203	Exemptions.
Section 117.1205	Emission Specifications for Reasonably Available Control Technology (RACT).
Section 117.1210	Emission Specifications for Attainment Demonstration.
Section 117.1215	Alternative System-Wide Emission Specifications.
Section 117.1220	System Cap.
Section 117.1235	Initial Demonstration of Compliance.
Section 117.1240	Continuous Demonstration of Compliance.
Section 117.1245	Notification, Recordkeeping, and Reporting Requirements.
Section 117.1252	Final Control Plan Procedures for Reasonably Available Control Technology.
Section 117.1254	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.

TABLE 3.—SECTION NUMBERS AND SECTION DESCRIPTIONS OF 30 TAC, CHAPTER 117 AFFECTED BY THE MAY 30, 2007, PROPOSED RULE REVISION—Continued

Section No.	Description
Section 117.1256	Revision of Final Control Plan.
Section 117.1300	Applicability.
Section 117.1303	Exemptions.
Section 117.1310	Emission Specifications for Eight-Hour Attainment Demonstration.
Section 117.1335	Initial Demonstration of Compliance.
Section 117.1340	Continuous Demonstration of Compliance.
Section 117.1345	Notification, Recordkeeping, and Reporting Requirements.
Section 117.1350	Initial Control Plan Procedures.
Section 117.1354	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.
Section 117.1356	Revision of Final Control Plan.
Section 117.2000	Applicability.
Section 117.2003	Exemptions.
Section 117.2010	Emission Specifications.
Section 117.2030	Operating Requirements.
Section 117.2035	Monitoring and Testing Requirements.
Section 117.2045	Recordkeeping and Reporting Requirements.
Section 117.2100	Applicability.
Section 117.2103	Exemptions.
Section 117.2110	Emission Specifications for Eight-Hour Attainment Demonstration.
Section 117.2130	Operating Requirements.
Section 117.2135	Monitoring, Notification, and Testing Requirements.
Section 117.2145	Recordkeeping and Reporting Requirements.
Section 117.3000	Applicability.
Section 117.3003	Exemptions.
Section 117.3005	Gas-Fired Steam Generation.
Section 117.3010	Emission Specifications.
Section 117.3020	System Cap.
Section 117.3035	Initial Demonstration of Compliance.
Section 117.3040	Continuous Demonstration of Compliance.
Section 117.3045	Notification, Recordkeeping, and Reporting Requirements.
Section 117.3054	Final Control Plan Procedures.
Section 117.3056	Revision of Final Control Plan.
Section 117.3200	Applicability.
Section 117.3201	Definitions.
Section 117.3203	Exemptions.
Section 117.3205	Emission Specifications.
Section 117.3210	Certification Requirements.
Section 117.3215	Notification and Labeling Requirements.
Section 117.3300	Applicability.
Section 117.3303	Exemptions.
Section 117.3310	Emission Specifications for Eight-Hour Attainment Demonstration.
Section 117.3330	Operating Requirements.
Section 117.3335	Monitoring, Notification, and Testing Requirements.
Section 117.3345	Recordkeeping and Reporting Requirements.
Section 117.4000	Applicability.
Section 117.4005	Emission Specifications.
Section 117.4025	Alternative Case Specific Specifications.
Section 117.4035	Initial Demonstration of Compliance.
Section 117.4040	Continuous Demonstration of Compliance.
Section 117.4045	Notification, Recordkeeping, and Reporting Requirements.
Section 117.4050	Control Plan Procedures.
Section 117.4100	Applicability.
Section 117.4105	Emission Specifications.
Section 117.4125	Alternative Case Specific Specifications.
Section 117.4135	Initial Demonstration of Compliance.
Section 117.4140	Continuous Demonstration of Compliance.
Section 117.4145	Notification, Recordkeeping, and Reporting Requirements.
Section 117.4150	Control Plan Procedures.
Section 117.4200	Applicability.
Section 117.4205	Emission Specifications.
Section 117.4210	Applicability of Federal New Source Performance Standards.
Section 117.8000	Stack Testing Requirements.
Section 117.8010	Compliance Stack Test Reports.
Section 117.8100	Emission Monitoring System Requirements for Industrial, Commercial, and Institutional Sources.
Section 117.8110	Emission Monitoring System Requirements for Utility Electric Generation Sources.
Section 117.8120	Carbon Monoxide (CO) Monitoring.
Section 117.8130	Ammonia Monitoring.
Section 117.8140	Emission Monitoring for Engines.
Section 117.9000	Compliance Schedule for Beaumont-Port Arthur Ozone Nonattainment Area Major Sources.
Section 117.9010	Compliance Schedule for Dallas-Fort Worth Ozone Nonattainment Area Major Sources.
Section 117.9020	Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources.

TABLE 3.—SECTION NUMBERS AND SECTION DESCRIPTIONS OF 30 TAC, CHAPTER 117 AFFECTED BY THE MAY 30, 2007, PROPOSED RULE REVISION—Continued

Section No.	Description
Section 117.9030	Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources.
Section 117.9100	Compliance Schedule for Beaumont-Port Arthur Ozone Nonattainment Area Utility Electric Generation Sources.
Section 117.9110	Compliance Schedule for Dallas-Fort Worth Ozone Nonattainment Area Utility Electric Generation Sources.
Section 117.9120	Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Utility Electric Generation Sources.
Section 117.9130	Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Utility Electric Generation Sources.
Section 117.9200	Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources.
Section 117.9210	Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources.
Section 117.9300	Compliance Schedule for Utility Electric Generation in East and Central Texas.
Section 117.9340	Compliance Schedule for East Texas Combustion.
Section 117.9500	Compliance Schedule for Nitric Acid and Adipic Acid Manufacturing Sources.
Section 117.9800	Use of Emission Credits for Compliance.
Section 117.9810	Use of Emission Reductions Generated from the Texas Emissions Reduction Plan (TERP).

You can find the entire TCEQ Chapter 117 rules at: <http://www.tceq.state.tx.us/rules/indxpdf.html#117>.

For a detailed discussion of each of the above changes and why EPA believes they should be approved see the Technical Support Document for this action.

4. What sections of the May 30, 2007, SIP revision will not become part of the Texas SIP?

Per TCEQ's request the following sections, listed in Table 4 below, of the May 30, 2007, SIP revision will not become a part of the EPA-approved Texas SIP. These rules mainly pertain to

the control of ammonia or carbon monoxide emissions which are not ozone precursors and therefore, these rules are not necessary components of the Texas SIP. The rules listed in Table 4 are not already in the current Texas SIP and EPA continues to agree with Texas that these rules can remain outside the SIP.

TABLE 4.—SECTIONS OF CHAPTER 117 NOT IN EPA-APPROVED TEXAS SIP

Section No.	Explanation
117.110(c), 117.125, 117.210(c), 117.225, 117.310(c), 117.325, 117.410(d), 117.425, 117.1010(b), 117.1025, 117.1110(b), 117.1125, 117.1210(b), 117.1225, 117.1310(b), 117.1325, 117.2010(i), 117.2025, 117.2110(h), 117.2125, 117.3010(e), 117.3025, 117.3123(f), 117.3125, 117.3310(e), and 117.3325.	Not a part of EPA-approved Texas SIP and TCEQ continues to ask that these rules remain outside the SIP.

Although the above sections of 30 TAC Chapter 117 are not to become a part of the Texas SIP they will continue to remain enforceable at the State level.

5. What sections of the May 30, 2007 SIP revision are we not acting upon in this proposal?

We are not evaluating the cement kiln related sections of the May 30, 2007 SIP

revision, in this document. See Table 5 below. We will review and act upon the cement kiln related sections of the May 30, 2007 SIP revision in a separate rulemaking action.

TABLE 5.—SECTIONS OF CHAPTER 117 NOT BEING EVALUATED IN THIS RULEMAKING

Section No.	Explanation
117.3100, 117.3101, 117.3103, 117.3110, 117.3120, 117.3123, 117.3125, 117.3140, 117.3142, and 117.3145.	Cement kiln related, not evaluating in this rule-making action.

6. What Counties in the D/FW area will the May 30, 2007 SIP revision affect?

that will be affected by the May 30, 2007 SIP revision.

Table 6 below lists the Counties in the D/FW 8-hour ozone nonattainment area

TABLE 6.—TEXAS COUNTIES IN THE D/FW 8-HOUR OZONE NONATTAINMENT AREA

D/FW Counties	Explanation
Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant	See section 117.10(2)(C).

7. *What Counties in East and Central Texas will the May 30, 2007 SIP revision affect?* affected by the May 30, 2007 SIP revision.

Table 7 below lists the Counties in the East and Central Texas that will be

TABLE 7.—COUNTIES PART OF THE EAST AND CENTRAL TEXAS PROVISION OF CHAPTER 117

East and Central Texas counties	Explanation
Anderson, Brazos, Burleson, Camp, Cass, Cherokee, Franklin, Freestone, Gregg, Grimes, Harrison, Henderson, Hill, Hopkins, Hunt, Lee, Leon, Limestone, Madison, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Robertson, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood.	See section 117.10(14)(B).

8. *What is ozone and why do we regulate it?*

Ozone is a gas composed of three oxygen atoms. Ground level ozone is generally not emitted directly from a vehicle's exhaust or an industrial smokestack, but is created by a chemical reaction between NO_x and VOCs in the presence of sunlight and high ambient temperatures. Thus, ozone is known primarily as a summertime air pollutant. NO_x and VOCs are precursors of ozone. Motor vehicle exhaust and industrial emissions, gasoline vapors, chemical solvents and natural sources emit NO_x and VOCs. Urban areas tend to have high concentrations of ground-level ozone, but areas without significant industrial activity and with relatively low vehicular traffic are also subject to increased ozone levels because wind carries ozone and its precursors hundreds of miles from their sources.

Repeated exposure to ozone pollution may cause lung damage. Even at very low concentrations, ground-level ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses like pneumonia and bronchitis. It can also have detrimental effects on plants and ecosystems.

9. *What are NO_x?*

Nitrogen oxides belong to the group of criteria air pollutants. NO_x are produced from burning fuels, including gasoline and coal. Nitrogen oxides react with volatile organic compounds (VOC) to form ozone or smog, and are also major components of acid rain. Also see <http://www.epa.gov/air/urbanair/nox/>.

10. *What is a SIP?*

The SIP is a set of air pollution regulations, control strategies, other means or techniques and technical analyses developed by the state, to ensure that the state meets the NAAQS. The SIP is required by Section 110 and other provisions of the Act. These SIPs

can be extensive, containing state regulations or other enforceable documents and supporting information such as emissions inventories, monitoring networks, and modeling demonstrations. Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally-enforceable SIP. Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin.

11. *What areas in Texas will today's rulemaking action affect?*

The substantive rule revisions we are proposing to approve today mainly affect the D/FW 8-hour ozone nonattainment area. See section 6 of this document. The substantive rule revisions we are proposing to approve today also affect 33 counties in East and Central Texas. See section 7 of this document. If you are in one of these affected areas, you should refer to the Texas NO_x rules to determine if and how today's action will affect you.

As stated elsewhere in this document the D/FW 8-hour ozone nonattainment area (Collin, Dallas, Denton, Tarrant, Ellis, Johnson, Kaufman, Parker, and Rockwall Counties) is designated nonattainment, and classified as a moderate 8-hour non-attainment area for ozone. See 69 FR 23857 published April 30, 2004.

12. *What is the section 110(l) "anti-backsliding" analysis for the May 30, 2007 SIP revision?*

According to section 110(l) of the Act "each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act."

The May 2007 SIP submittal includes documentation that the State has met and complied with the reasonable notice and public hearing requirements. The State held public hearings after proper notice and according to the 40 CFR 51.102 requirements. Proper notice included prominent advertisement in the areas affected at least 30 days prior to the dates of the hearings. The hearing notices of intended action were circulated to the public, including interested persons, EPA Region 6, and all applicable local air pollution control agencies. Public hearings were held in Houston, Dallas, Arlington, Midlothian, Longview, and Austin, Texas. The May 2007 SIP submittal contains information to the effect that State has met and complied with the reasonable notice and public hearing requirements. For more information see our SIP Completeness Determination document, prepared in accordance with the Appendix V of 40 CFR 51, made part of the EPA-R06-OAR-2007-0523 docket, and available for public review. Therefore, it is our finding that this revision submitted by Texas under the Act has been adopted by Texas after reasonable notice and public hearing.

The May 2007 SIP submittal requires NO_x reductions from sources located outside the D/FW nine-County area. The resulting NO_x reductions should assist in bringing the D/FW area into attainment with the 8-hour ozone NAAQS. Sources outside the D/FW nine county area, now regulated by these rules include, gas-fired stationary reciprocating internal combustion engines operating in East Texas (see 117.3310(a) and 117.3010(a)). NO_x emissions from these units were not regulated before. These units are located in Texas Counties that are designated as attainment for ozone NAAQS. These Texas Counties are Anderson, Brazos, Burleson, Camp, Cass, Cherokee, Franklin, Freestone, Gregg, Grimes, Harrison, Henderson, Hill, Hopkins,

Hunt, Lee, Leon, Limestone, Madison, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Robertson, Rusk, Shelby, Smith, Upshur, Van Zandt, and Wood. It is estimated that these revisions will result in 22.4 TPD of NO_x reductions.

- The May 2007 SIP submittal provides for additional NO_x emissions reductions that were not previously a part of the EPA-approved Texas SIP. The May 2007 SIP submittal requires NO_x reductions from major sources or major source categories not previously regulated. An example listing of such sources or categories is as follows: stationary diesel engines in the D/FW nine-County area (see 117.410(b)(4)), stationary reciprocating internal combustion engines located in the D/FW nine county area (see 117.410(a) and (b)), metallurgical furnaces (see 117.410(b)(8)), container glass furnaces (see 117.410(b)(10)(A)), and fiberglass furnaces (see 117.410(b)(10)(B) through (D)). These new regulations provide an additional 8.88 tons/day of reductions.

- The May 2007 SIP submittal provides for additional NO_x emissions reductions that were not previously a part of the EPA-approved Texas SIP. The May 2007 SIP submittal requires NO_x reductions from minor sources within the DFW nine county area not previously regulated. See 117.2110(a)(1), and 117.2010(a)(1) and (2). These rules provide additional NO_x emissions reductions that were not previously a part of the EPA-approved Texas SIP. See section 15 of this document.

- The statewide residential water heater rule was revised due to technical infeasibility which means this rule will achieve slightly less reductions than if the approved rule had proved feasible. We believe this small loss in emission reductions will be offset by other measures. This is further discussed in the Technical Support Document. We have discussed the potential impact of the revised water heater rule in our separate action on the 1997 8-hour ozone attainment demonstration for the

D/FW area. In that action we explain how the revisions do not interfere with attainment or maintenance of the NAAQS.

For the reasons stated above, the provisions of the May 2007 SIP submittal meet the section 110(l) requirements of the Act.

13. What are the NO_x emissions requirements for major point sources in the D/FW area that we are proposing to approve?

We approved NO_x emissions specifications for stationary sources in 66 FR 15195 published March 16, 2001. In addition to requiring NO_x emissions control requirements for those sources, we are proposing to approve the following NO_x emissions requirements for the following affected sources with emissions greater than 50 Tons Per Year (TPY) in the D/FW 8-hour ozone nonattainment area. We have included the Chapter 117 citation for each source category in the Table 8 below for reference purposes.

TABLE 8.—NO_x EMISSIONS SPECIFICATIONS FOR THE D/FW 8-HOUR OZONE NONATTAINMENT AREA

Source	NO _x limit	Additional information	Citation
Reciprocating Internal Combustion Engines.	2.0 g/hp-hr	Natural gas, rich burn, capacity ≥ 300 hp, before January 1, 2000, also a 3.0 g/hp-hr limit of CO.	117.410(a)(1)(B)(i).
Reciprocating Internal Combustion Engines.	0.50 g/hp-hr	Natural gas, rich burn, capacity ≥ 300 hp, on or after January 1, 2000, also a 3.0 g/hp-hr limit of CO.	117.410(a)(9)(B)(ii).
Reciprocating Internal Combustion Engines.	0.60 g/hp-hr	Gas-fired, rich burn, landfill gas	117.410(b)(4)(A)(i).
Reciprocating Internal Combustion Engines.	0.50 g/hp-hr	Gas-fired, rich burn, not using landfill gas	117.410(b)(4)(A)(ii).
Reciprocating Internal Combustion Engines.	0.70 g/hp-hr	Gas-fired, lean burn, before June 1, 2007, not modified afterwards.	117.410(b)(4)(B)(i).
Reciprocating Internal Combustion Engines.	0.60 g/hp-hr.	Gas-fired, lean burn, landfill gas, on or after June 1, 2007.	117.410(b)(4)(B)(ii)(I).
Reciprocating Internal Combustion Engines.	0.50 g/hp-hr	Dual-fuel	117.410(b)(4)(B)(ii)(II).
Duct Burners	0.032 lb/MMBtu	Used in turbine exhausts, rated ≥ 10 MW	117.410(b)(6).
Duct Burners	0.15 lb/MMBtu	Used in turbine exhausts, 1.0 (rated < 10 MW.	117.410(b)(6).
Duct Burners	0.26 lb/MMBtu	Used in turbine exhausts, rated < 1.0 MW	117.410(b)(6).
Lime Kilns	3.7 lb/ton of CaO	Individual kiln basis	117.410(b)(7)(A)(i).
Lime Kilns	3.7 lb/ton of CaO	Site-wide basis	117.410(b)(7)(A)(ii).
Ceramic and Brick Kilns	40% NO _x reduction	Using daily 2000 calendar year EI	117.410(b)(7)(B)(i).
Brick Kilns	0.175 lb/ton of product	As option	117.410(b)(7)(B)(ii).
Ceramic Kilns	0.27 lb/ton of product	As option	117.410(b)(7)(B)(iii).
Metallurgical Furnaces	0.087 lb/MMBtu	Heat Furnace, March 1–October 31 any year.	117.410(b)(8)(A).
Metallurgical Furnaces	0.10 lb/MMBtu	Reheat Furnace, March 1–October 31 any year.	117.410(b)(8)(B).
Metallurgical Furnaces	0.45 lb/MMBtu	Lead smelting blast cupola and reverberatory.	117.410(b)(8)(C).
Incinerators	80% NO _x reduction	Using real emissions of 2000 EI	117.410(b)(9)(A).
Incinerators	0.030 lb/MMBtu	As option	117.410(b)(9)(B).
Container Glass Furnaces	4.0 lb/ton of glass pulled	Melting furnace, within 25% of permitted production capacity, or MAER of permit issued before June 1, 2007.	117.410(b)(10)(A)(i), or 117.410(b)(10)(A)(ii).
Fiberglass Furnaces	4.0 lb/ton product pulled	Mineral wool, cold-top electric	117.410(b)(10)(B).
Fiberglass Furnaces	1.45 lb/ton product pulled	Mineral wool, regenerative	117.410(b)(10)(C).
Fiberglass Furnaces	3.1 lb/ton product pulled	Mineral wool, non-regenerative	117.410(b)(10)(D).
Curing Ovens	0.036 lb/MMBtu	Gas fired, used in mineral wool-type or textile-type fiberglass.	117.410(b)(11).

TABLE 8.—NO_x EMISSIONS SPECIFICATIONS FOR THE D/FW 8-HOUR OZONE NONATTAINMENT AREA—Continued

Source	NO _x limit	Additional information	Citation
Ovens and Heaters	0.036 lb/MMBtu	Natural gas-fired	117.410(b)(12).
Dryers	0.036 lb/MMBtu	Natural gas-fired, used in organic solvent, printing ink, clay, brick, ceramic tile, calcining, and vitrifying processes.	117.410(b)(13)(A).
Spray Dryers	0.15 lb/MMBtu	Natural gas-fired, used in ceramic tile manufacturing processes.	117.410(b)(13)(B).

The tables in this document are not intended to be exhaustive, but rather provide a guide for readers regarding NO_x control requirements the affected sources are likely to be required to comply with in conjunction with today's rulemaking action. To determine whether or how your facility would be affected by this particular action, you should refer to the actual text of 30 TAC Chapter 117, and the June 8, 2007 issue of the Texas Register (32 TexReg 3206). We are proposing approval of these NO_x

emissions specifications under Part D of the Act because their resulting emissions reductions will assist Texas in demonstrating attainment of the 8-hour ozone standard in the D/FW 8-hour ozone nonattainment area. Therefore, we are proposing approval of these requirements into the Texas SIP.

14. *What are the NO_x emission requirements for stationary diesel engines in the D/FW area that we are proposing to approve?*

This SIP revision requires reductions of NO_x emissions from stationary diesel engines in the D/FW area. The following Table 9 contains a summary of the NO_x emission specifications for stationary diesel engines in the D/FW area. We have included the Chapter 117 citation for each source category in the Table 9 below for convenience purposes.

TABLE 9.—NO_x EMISSION REQUIREMENTS STATIONARY DIESEL ENGINES FOR THE D/FW 8-HOUR OZONE NONATTAINMENT AREA

Source	NO _x Emission Specification	Citation
Diesel engines in service before March 1, 2009: not modified, reconstructed, or relocated on or after March 1, 2009.	11.0 gram/hp-hr	117.410(b)(4)(D).
Rated less than 50 hp: modified, installed reconstructed, or relocated on or after March 1, 2009.	5.0 gram/hp-hr	117.410(b)(4)(E)(i).
50 hp [rated < 100 hp: modified, installed, reconstructed, or relocated on or after March 1, 2009.	3.3 gram/hp-hr	117.410(b)(4)(E)(ii).
100 hp [rated < 750 hp: installed, modified, reconstructed, or relocated on or after March 1, 2009.	2.8 gram/hp-hr	117.410(b)(4)(E)(iii).
Rated ≥ 750 hp: installed, modified, reconstructed, or relocated on or after March 1, 2009.	4.5 gram/hp-hr	117.310(b)(4)(E)(iv).

We are proposing to approve the above-listed NO_x emission requirements for diesel engines because they are in agreement with those found in 40 CFR section 89.112, and EPA's Document Number 420-R-98-016 dated August 1998, titled "Final Regulatory Impact Analysis: Control of Emissions from Nonroad Diesel Engines." In addition, the above-listed NO_x emission requirements for diesel engines are consistent with those we approved for

similar units at Table VI of 66 FR 57230 published on November 14, 2001. We are therefore proposing approval of these NO_x emission requirements under Part D of the Act because their resulting emissions reductions will assist Texas in demonstrating attainment of the 8-hour ozone standard within the D/FW 8-hour ozone nonattainment area. Therefore, we are proposing approval of these requirements into the Texas SIP.

15. *What are the emissions specifications for minor sources of NO_x in D/FW area that we are proposing to approve?*

These minor sources include stationary reciprocating internal combustion engines that are not a major source of NO_x (emit, when uncontrolled, less than 50 Tons Per Year (TPY) of NO_x). See sections 117.2100 and 117.2103 for more information.

TABLE 10.—NO_x EMISSIONS REQUIREMENTS FOR MINOR SOURCES IN THE D/FW AREA

Source	NO _x emission specification	Additional information	Citation
Reciprocating Internal Combustion Engines ..	0.60 g/hp-hr	Stationary, rich-burn, using landfill gas-fired	117.2110(a)(1)(A)(i).
Reciprocating Internal Combustion Engines ..	0.50 g/hp-hr	Stationary, rich-burn, not landfill gas-fired	117.2110(a)(1)(A)(ii).
Reciprocating Internal Combustion Engines ..	0.70 g/hp-hr	Stationary, lean-burn, in service before June 1, 2007.	117.2010(a)(1)(B)(i).
Reciprocating Internal Combustion Engines ..	0.60 g/hp-hr	Stationary, lean-burn, in service on or after June 1, 2007, using landfill gas.	117.2010(a)(1)(B)(i)(I).
Reciprocating Internal Combustion Engines ..	0.50 g/hp-hr	Stationary, lean-burn, in service on or after June 1, 2007, not using landfill gas.	117.2010(a)(1)(B)(i)(II).
Reciprocating Internal Combustion Engines ..	5.83 g/hp-hr	Stationary, dual-fuel	117.2010(a)(2).

As an alternative, a minor source from the Table 10 above located within the D/ FW and having an annual capacity factor of 0.0383 or less may choose emissions specification of 0.060 lb/ MMBtu, instead. See 117.2110(a)(4).

The NO_x emissions requirements for the above-listed minor sources of NO_x and their resulting emissions reductions will assist in demonstrating attainment of the 8-hour ozone NAAQS within the D/FW 8-hour ozone nonattainment area. Therefore, we are proposing approval of these requirements into the Texas NO_x SIP.

16. What are the NO_x emissions requirements for stationary RICE in East Texas that we are proposing to approve?

The gas-fired stationary reciprocating internal combustion engines located in Anderson, Brazos, Burleson, Camp, Cass, Cherokee, Franklin, Freestone, Gregg, Grimes, Harrison, Henderson, Hill, Hopkins, Hunt, Lee, Leon, Limestone, Madison, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Robertson, Rusk, Shelby, Smith, Upshur, Van Zandt, or Wood Texas Counties are subject to these requirements. See section 117.3300 for more information. The following Table 11 contains NO_x emissions

requirements and related information for these affected units.

On July 19, 2007 TCEQ announced implementation of Texas Senate Bill 2000, passed in 2007 by the 80th Texas Legislative Session. The Bill directs the TCEQ to develop an incentive grant program for the partial reimbursement of capital costs for installing nonselective catalytic reduction (NSCR) systems to reduce emissions of NO_x from existing stationary gas-fired rich-burn compressor engines. For more information see <http://www.tceq.state.tx.us/implementation/air/rules/sb2003.html> (URL dating July 20, 2007).

TABLE 11.—NO_x EMISSIONS REQUIREMENTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES IN EAST TEXAS

Source	NO _x Emission specification	Additional information	Citation
Reciprocating Internal Combustion Engines ..	1.00 g/hp-hr	Rich burn, gas-fired, capacity < 500 hp	117.3310(a)(1).
Reciprocating Internal Combustion Engines ..	0.60 g/hp-hr	Rich burn, landfill gas-fired, capacity ≥ 500 hp.	117.3010(a)(2)(A).
Reciprocating Internal Combustion Engines ..	0.50 g/hp-hr	Rich burn, not landfill gas-fired, capacity ≥ 500 hp.	117.3010(a)(2)(B).

The NO_x emissions requirements for the stationary reciprocating internal combustion engines in East and Central Texas and their resulting emissions reductions will assist in demonstrating attainment of the 8-hour ozone NAAQS within the Houston-Galveston-Brazoria, D/FW, and Beaumont/Port Arthur areas. Furthermore, these reductions will contribute to the continued

maintenance of the standard in the eastern half of the State of Texas, and they enhance the Texas SIP. Therefore, we are proposing approval of these requirements into the May 30, 2007 Texas SIP under part D, and sections 110 and 116 of the Act, respectively.

17. What are the compliance schedules for NO_x emissions sources that we are proposing to approve?

The following Table 12 contains a summary of the NO_x-related compliance schedules for major sources, utility generating units, and minor sources affected by the May 30, 2007 SIP revision. See sections 117.9000 through 117.9500 for more information.

TABLE 12.—NO_x COMPLIANCE SCHEDULES FOR POINT SOURCES UNDER CHAPTER 117

Source	Compliance date	Additional information	Citation
Major, D/FW	Install all NO _x abatement equipment by no later than May 30, 2007.	Increment of Progress (IOP) requirement.	117.9030(a)(1).
Major, D/FW	Submit initial control plan per 117.450 by no later than June 1, 2008. Comply with emissions requirements by no later than March 1, 2009 when source subject to 117.410(b)(1), (2), (4), (5), (6), (7)(A), (10), and (14). Diesel and dual-fuel engines comply with testing and hours of operation for testing and maintenance by no later than March 1, 2009. Gas turbines or IC engines claiming run time exemption comply with the run time requirements by no later than March 1, 2009.	8-hour attainment demonstration. Requirement	117.9030(b).
D/FW	Submit initial control plan per 117.1350 by no later than June 1, 2008. Comply with all other requirements by no later than March 1, 2009.	Utility electric generation sources.	117.9130(a)(1) and (2).
Minor, D/FW	Rich-burn, gas-fired stationary RICE comply with NO _x requirements by no later than March 1, 2009. Lean-burn, gas-fired stationary RICE comply with NO _x requirements by no later than March 1, 2010. Diesel-fired and dual-fuel stationary RICE comply with NO _x requirements by no later than March 1, 2009.	RICE fired with different fuel types.	117.9210.
East and Central Texas.	Updated final control plan per 117.3054 be submitted by no later than January 31, 2007.	Utility electric generation sources.	117.9300(2)(B).

TABLE 12.—NO_x COMPLIANCE SCHEDULES FOR POINT SOURCES UNDER CHAPTER 117—Continued

Source	Compliance date	Additional information	Citation
East Texas	Stationary RICE comply with NO _x requirements by no later than March 1, 2010.	East Texas combustion sources.	117.9340(a).

Including these compliance dates, summarized in Table 12 above, in the rule provides for enforceability and practicability of the NO_x rule, and enhances the May 30, 2007 Texas SIP; therefore, we are proposing their approval into the May 30, 2007 Texas SIP.

III. Proposed Actions

Today, we are proposing to approve revisions to the 30 TAC Chapter 117 into the Texas SIP. This rulemaking covers four separate actions. First, we are proposing to approve the repeal of all non-substantive changes to the SIP's Chapter 117 rules and the reformatting of current Chapter 117 because the reformatted revision will better accommodate future additions/revisions to the rules. Second, we are proposing to approve substantive revisions to the current NO_x SIP's Chapter 117 rules for D/FW NO_x major point sources. Third, we are proposing to approve substantive revisions to the current Texas SIP's Chapter 117 rules for D/FW minor sources of NO_x. Fourth, we are proposing to approve substantive revisions to the current Texas SIP's Chapter 117 rules for combustion sources in East Texas. These NO_x reductions will assist the D/FW area in attaining the 8-hour ozone NAAQS.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

Authority: 42 U.S.C. 7401 *et seq.*

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxide, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 1, 2008.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E8-15814 Filed 7-10-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2007-1147; FRL-8690-4]

Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NO_x) From Cement Kilns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing approval of revisions to the Texas State Implementation Plan (SIP). The State of Texas submitted this SIP revision to the 30 TAC Chapter 117 to us on May 30, 2007 (May 30, 2007 submittal) concerning control of emissions of NO_x from cement kilns operating in Bexar, Comal, Ellis, Hays, and McLennan Counties of Texas. We are proposing to approve the cement kilns provisions of the May 30, 2007 submittal for cement kilns operating in these five Texas Counties. We are also proposing to approve the May 30, 2007 submittal as meeting the Reasonably Available Control Technology (RACT) requirements for NO_x emissions from cement kilns operating in the Dallas Fort Worth (D/FW) 8-hour ozone nonattainment area. The NO_x emissions controls associated with this SIP revision will assist the D/FW area to attain the Federal 8-hour ozone National Ambient Air Quality Standards (NAAQS). We are proposing approval of this action as meeting sections 110 and 182 of the Federal Clean Air Act (the Act).

DATES: Comments must be received on or before August 11, 2008.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2007-1147, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *U.S. EPA Region 6 "Contact Us" Web site:* <http://epa.gov/region6/r6coment.htm>. Please click on "6PD" (Multimedia) and select "Air" before submitting comments.
- *E-mail:* Mr. Guy Donaldson at donaldson.guy@epa.gov. Please also