

Friday, 8:30 am to 4:30 pm excluding Federal Holidays.

C. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, 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 CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any 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 official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section above.

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

The Clean Air Act (the Act) Amendments of 1990 required all States to develop Operating Permits Programs that meet title V of the Act, 42 U.S.C. 7661–7661f, and its implementing regulations, 40 CFR part 70. Texas' Operating Permits Program was submitted in response to this directive on November 15, 1993. We promulgated interim approval of the Texas title V program on June 25, 1996 (61 FR 32693) and the program became effective on July 25, 1996. Subsequently, we promulgated full approval of the Texas title V program effective November 30, 2001 (66 FR 63318, December 6, 2001). As explained in the proposed and final full approval, we granted full approval based on our finding that Texas had corrected the deficiencies identified at the time of the interim approval (66 FR at 51897 (October 11, 2001); 66 FR 63319).

Since the interim approval, other deficiencies in the Texas title V program were identified. Section 502(i) of the Act and 40 CFR 70.10(b)(1) provide that whenever EPA makes a determination that a State is not adequately administering and enforcing its program in accordance with the requirements of title V, EPA shall issue a NOD.

The EPA published an NOD for Texas' title V Operating Permit Program on January 7, 2002 (67 FR 732). The NOD was based upon our finding that several State requirements did not meet the minimum Federal requirements of 40 CFR part 70 and the Act. The TCEQ adopted rule revisions to resolve the deficiencies identified in the January 7, 2002, NOD. These rule revisions became effective, as a matter of State law, on December 11, 2002. The TCEQ submitted these rule changes to EPA as a revision to its title V Operating Permit Program on December 9, 2002. The TCEQ also included, in the December 9, 2002, submittal, other regulatory revisions that strengthen Texas' program. We are proposing to approve the Texas rule revisions included in the December 9, 2002, submittal in today's action. The December 9, 2002, submittal also included provisions which TCEQ requested that we approve as revisions to its SIP. Elsewhere in today's **Federal Register**, we are proposing to approve those SIP revisions submitted on December 9, 2002. We have prepared a Technical Support Document (TSD) which contains a detailed analysis of our evaluation of this action. The TSD is available at the addresses listed above.

III. What Is Being Addressed in This Action?

In today's action, we are proposing to approve revisions as identified below which TCEQ adopted November 20, 2002 (submitted to EPA December 9, 2002) and to find that upon final SIP approval of two of the changes those revisions resolve the deficiencies identified in the January 7, 2002, NOD.

A. Periodic Monitoring Regulations

The requirement for periodic monitoring set forth in 40 CFR 70.6(a)(3)(i)(B) states that each title V permit must include periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring.

The TCEQ previously implemented periodic monitoring requirements through a phased approach which used either a periodic monitoring GOP or on a case-by-case determination. As a result, all permits did not have periodic monitoring when they were issued. To address the NOD, TCEQ has revised 30 Texas Administrative Code (TAC) 122.132 and 122.142, and repealed 30 TAC 122.600, 122.604, 122.606, 122.608, 122.610, and 122.612 to ensure that all title V permits, including all GOPs, contain periodic monitoring requirements that meet the requirements of 40 CFR 70.6(a)(3)(i)(B) when issued. The TCEQ has repealed the periodic monitoring and CAM GOPs identified in the NOD and adopted Section 122.132(e)(13) to require permit applications to include periodic monitoring requirements consistent with part 70. The TCEQ has amended Section 122.142(c) and Section 122.602 to require periodic monitoring which is consistent with part 70 to be included in all title V permits, including GOPs, when the permit is issued. The revisions require that periodic monitoring be included in title V permits at initial issuance under Section 122.201, permit renewals under Section 122.243, permit reopenings under Section 122.231(a) and (b), significant revisions under Section 122.221, and at minor permit revisions under Section 122.217. We are today proposing to approve the revised rules and the State's repeals as a revision to Texas' title V program and to find that the revisions satisfy Texas' requirement to correct the program deficiency identified in the January 7, 2002, NOD.