

Texas Commission on Environmental Quality

Chapter 116 - Control of Air Pollution by Permits for New Construction or Modification

SUBCHAPTER H : PERMITS FOR GRANDFATHERED FACILITIES

DIVISION 1 : GENERAL APPLICABILITY

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Outline:

§116.770. Requirement to Apply or Register. TXd147

§116.771. Implementation Schedule for Additional Controls. TXd147

§116.772. Notice of Shutdown. TXd147

~~§116.773. Compliance History. NOT IN SIP~~

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SUBCHAPTER H: PERMITS FOR GRANDFATHERED FACILITIES
DIVISION 1: GENERAL APPLICABILITY
§§116.770 - 116.773
Effective February 19, 2004

§116.770. Requirement to Apply or Register.

(a) The owner or operator of a grandfathered facility must apply for a permit to operate that facility under this chapter, qualify for a permit by rule under Chapter 106 of this title (relating to Permits by Rule), or submit a notice of shutdown before September 1, 2003 for facilities located in the East Texas region as defined in §101.330 of this title (relating to Definitions), and before September 1, 2004 for facilities located in the West Texas region as defined in §101.330 of this title or El Paso County.

(b) A reciprocating internal combustion engine that is subject to the requirement to obtain a pipeline facilities permit and to a mass emissions cap as established by commission rule is considered permitted with respect to all air contaminants if the facility is:

(1) located in an area designated as a nonattainment area for an ozone national ambient air quality standard; and

(2) achieving compliance with all state and federal requirements designated for that area by June 20, 2003.

(c) The owner or operator of a reciprocating internal combustion engine that is considered permitted under subsection (b) of this section must submit a registration to the commission on or before July 1, 2004, which must include Form PI-1G, Grandfathered Facility Permit Application.

Adopted January 28, 2004

Effective February 19, 2004

§116.771. Implementation Schedule for Additional Controls.

(a) If the installation of additional controls is required for a grandfathered facility to meet an emission limit for a pollutant, the permit shall specify an implementation schedule for such additional controls. Any such schedule shall require installation and operation of controls before March 1, 2007 for facilities located in the East Texas region as defined in §101.330 of this title (relating to Definitions) or before March 1, 2008 for facilities located in the West Texas region as defined in §101.330 of this title or El Paso County.

(b) The owner or operator of a grandfathered facility that does not obtain a permit within 12 months of receipt by the commission of an administratively complete application for a permit may petition the commission for an extension of the time period for the installation of controls under

subsection (a) of this section. The commission may grant not more than one extension for a facility, for an additional period of not more than 12 months, if the commission finds good cause for the extension.

Adopted May 22, 2002

Effective June 12, 2002

§116.772. Notice of Shutdown.

(a) The owner or operator of a grandfathered facility who chooses to shut the facility down rather than obtain a permit under this chapter or qualify for a permit by rule under Chapter 106 of this title (relating to Permits by Rule), shall notify the executive director in writing by completing Form PI-1GSD, Notice of Shutdown, prior to the deadlines specified in §116.770(a) or §116.774 of this title (relating to Requirement to Apply; and Eligibility for Small Business Stationary Source Permits). The owner or operator of a grandfathered facility who submits a Form PI-1GSD, Notice of Shutdown, prior to the deadlines specified in §116.770(a) or §116.774 of this title shall cease emitting air contaminants by:

(1) March 1, 2007, if the facility is not eligible for a small business stationary source permit and is located in the East Texas region as defined in §101.330 of this title (relating to Definitions); or

(2) March 1, 2008, if the facility is eligible for a small business stationary source permit or is located in the West Texas region as defined in §101.330 of this title or El Paso County.

(b) The owner or operator of a grandfathered facility who applies for a permit prior to the deadlines specified in §116.770(a) or §116.774 of this title, but prior to permit issuance, decides to shut the facility down must submit a Form PI-1GSD, Notice of Shutdown, prior to withdrawal of the permit application and must cease emitting air contaminants by the date specified in subsection (a)(1) or (2) of this section.

(c) The owner or operator of a facility that has been shut down and for which a Notice of Shutdown has been submitted must obtain the proper authorization under this chapter or Chapter 106 of this title prior to operating the facility.

(d) The Notice of Shutdown shall include, as a minimum, an identification of the facility to be shut down, the date the owner or operator intends to cease operating the facility, and an inventory of the type and amount of emissions that will be eliminated when the facility ceases to operate.

Adopted January 28, 2004

Effective February 19, 2004

~~§116.773. Compliance History.~~

~~For all permit reviews under this subchapter, compliance history reviews are required under Chapter 60 of this title (relating to Compliance History).~~

~~Adopted August 7, 2002~~

~~Effective August 29, 2002~~