Ms. Anne Idsal
Regional Administrator
U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Ms. Idsal:

On August 8, 2018, the Texas Commission on Environmental Quality (Commission) adopted an Agreed Order concerning TXI Operations, LP and a Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update State Implementation Plan (SIP) Revision (DFW 2008 Ozone RACT Update SIP Revision).

The Agreed Order and the DFW 2008 Ozone RACT Update SIP Revision identified the federally enforceable emission limit for the TXI Operations, LP, Portland Cement Plant in Ellis County (Kiln Number 5) as satisfying the RACT requirement for nitrogen oxides (NOx) for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) to address the United States. Environmental Protection Agency's final conditional approval of NOx RACT for the DFW 2008 Eight-Hour Ozone NAAQS nonattainment area.

Enclosed are the proposed revisions to the SIP, which include the adopted Agreed Order, a public hearing certification, a complete record of the public hearing, and the accompanying commission order adopting the SIP revision. I look forward to your expeditious approval of this SIP revision.

Sincerely,

Bryan W. Shaw, Ph.D., P.E.
Chairman

BWS/tgs

Enclosures

cc: The Honorable Greg Abbott, Governor of Texas
Mr. Steven Schar, Office of Budget and Policy, Office of the Governor
Ms. Stephanie Bergeron Perdue, Interim Executive Director, Texas Commission on Environmental Quality
Texas Commission on Environmental Quality

THE STATE OF TEXAS
COUNTY OF TRAVIS

This is to certify that the attached electronic file is included and that the electronic file is a true and correct copy of documents for a revision to the Texas State Implementation Plan, adopted on August 8, 2018, pursuant to 40 Code of Federal Regulations § 51.104. I am the records administrator for the Air Quality Planning Division of the Texas Commission on Environmental Quality (Commission).

Donna F. Huff, Director
Air Quality Division
Texas Commission on Environmental Quality
Texas Commission on Environmental Quality
Public Hearing
May 10, 2018

Concerning DFW RACT Update SIP Revision and Agreed Order with TXI Operations, LP

Project No. 2017-001-SIP-NR
INTRODUCTION

The Texas Commission on Environmental Quality (TCEQ or commission) scheduled a public hearing in Arlington on May 10, 2018 to receive testimony regarding a proposed voluntary Agreed Order and proposed revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §§382.011, 382.012, 382.017, 382.023-382.025; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update SIP revision addresses the EPA's final conditional approval of RACT for nitrogen oxides for the DFW 2008 eight-hour ozone standard nonattainment area through a voluntary Agreed Order No. 2017-1648-SIP with TXI Operations, LP.

The comment period closed on May 11, 2018. All testimony and comments have been reviewed and seriously considered. This hearing record contains a complete record of the public hearing and is divided into the following four sections:

- Public Notification and Proposal
- Written and Oral Testimony
- Evaluation of Testimony
- Staff Recommendations/Order

Additional copies of this hearing record are maintained in the TCEQ central office at 12100 Park 35 Circle, Austin, Texas 78753. For further information, please contact Kathy Singleton at (512) 239-0703.
NOTICE & PROPOSAL
PUBLIC NOTIFICATION

Notification to the public of the proposed revisions was conducted by the following procedures:

1. Publication of notice of public hearing in the following newspapers on the date listed:
   - *Dallas Morning News:* April 7, 2018
   - *Midlothian Mirror:* April 12, 2018

2. Publication of the Notice of Public Hearing in the April 20, 2018, issue of the *Texas Register* (43 TexReg 2482).

3. Correspondence forwarding the notice of public hearings to the following officials and agencies:
   - Speaker of the House
   - Lieutenant Governor
   - Alamo Area Council of Governments
   - Capital Area Planning Council
   - City of Arlington, Mayor’s Office
   - City of Dallas, Mayor’s Office
   - City of Dallas, Office of Environmental Quality
   - City of Dallas, Department of Aviation
   - City of El Paso, Environmental Services, Compliance Unit
   - City of Fort Worth, Code Compliance Environmental Section
   - City of Fort Worth, Mayor’s Office
   - City of Houston, Department of Health and Human Services
   - Dallas County Judge
   - East Texas Council of Governments
El Paso Metropolitan Planning Organization
Federal Highway Administration
Galveston County Health District
Harris County Pollution Control Services Department
Houston-Galveston Area Council
North Central Texas Council of Governments
South East Texas Regional Planning Commission
Tarrant County Judge
Texas Department of Transportation
Victoria Metropolitan Planning Organization
Arkansas Department of Environmental Quality
Central States Air Resource Agencies Association
Louisiana Department of Environmental Quality
New Mexico Environmental Department
Oklahoma Department of Environmental Quality
United States Environmental Protection Agency
NOTICE OF PUBLIC HEARING ON PROPOSED VOLUNTARY AGREED ORDER & PROPOSED REVISIONS TO THE STATE IMPLEMENTATION PLAN

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding a proposed voluntary Agreed Order and proposed revisions to the state Implementation plan (SIP) under the requirements of Texas Health and Safety Code, §§ 272.011, 272.013, 272.013, 272.021-272.025; Texas Government Code, Chapter 201, Subchapter B; and 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update SIP revision (Non-Rule Project No. 2017-001-SIP-NR) would address the EPA’s final conditional approval of RACT for nitrogen oxides for the DFW 2008 eight-hour ozone standard nonattainment area through a voluntary Agreed Order No. 2017-140-SIP (Non-Rule Project No. 2017-010-SIP-NR), with TXI Operations, L.P.

The commission will hold a public hearing on these proposals in Arlington on May 16, 2018 at 2:00 p.m. in the Arlington Municipal Building, City Council Chamber, located at 101 W. Abram Street. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 60 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Joyce Spencer-Nelson, Air Quality Division at (512) 239-5017 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Electronic comments may be submitted at: https://www.tceq.texas.gov/public/comments/. File size restrictions may apply to comments being submitted via the eComments system. All comments regarding the DFW RACT Update SIP revision should reference Project No. 2017-001-SIP-NR. For further information regarding the DFW RACT Update SIP revision, please contact Kathy Singleton, Air Quality Division, (512) 239-0705. All comments regarding Agreed Order No. 2017-140-SIP should reference Project No. 2017-010-SIP-NR. For further information regarding the agreed order, please contact Terry Salem, Environmental Law Division, (512) 239-0469. The comment period closed May 11, 2018. Copies of the proposed SIP revisions can be obtained from the commission’s website at https://www.tceq.texas.gov/public/health/widsw/2008-02-05.

Dallas Morning News, April 7, 2018
Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at http://www.tceq.texas.gov/goto/eFiling or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Tex. Admin. Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: April 11, 2018

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Morgan Building & Spa Manufacturing Corporation

SOAH Docket No. 582-18-2956

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

10:00 a.m. - May 3, 2018

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed January 24, 2018 concerning assessing administrative penalties against and requiring certain actions of MORGAN BUILDING & SPA MANUFACTURING CORPORATION, for violations in Lavaca County, Texas, of: Tex. Health & Safety Code §361.112(a) and §382.085(b), Tex. Water Code §26.121, 30 Tex. Admin. Code §§ 11.201, 281.25(a)(4), 328.56(d)(2), 328.60(a), 330.15(c), 335.4, and 355.43(a), and 40 C.F.R. §122.26(c).

The hearing will allow MORGAN BUILDING & SPA MANUFACTURING CORPORATION, the Executive Director, and the Commission's Public Interest Counsel an opportunity to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford MORGAN BUILDING & SPA MANUFACTURING CORPORATION, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. Upon failure of MORGAN BUILDING & SPA MANUFACTURING CORPORATION to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default.

Further information regarding this hearing may be obtained by contacting Jess Robinson, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Vic McWherter, Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at http://www.tceq.texas.gov/goto/eFiling or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Tex. Admin. Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: April 11, 2018

Notice of Public Hearing on Proposed Voluntary Agreed Order and Proposed Revisions to the State Implementation Plan

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding a proposed voluntary Agreed Order and proposed revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §§382.011, 382.012, 382.017, 382.023 - 382.025; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regu-
lations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update SIP revision (Non-Rule Project No. 2017-001-SIP-NR) would address the EPA’s final conditional approval of RACT for nitrogen oxides for the DFW 2008 eight-hour ozone standard nonattainment area through a voluntary Agreed Order No. 2017-1648-SIP (Non-Rule Project No. 2018-010-SIP-NR), with TXI Operations, LP.

The commission will hold a public hearing on these proposals in Arlington on May 10, 2018 at 2:00 p.m. in the Arlington Municipal Building, City Council Chamber, located at 101 W. Abram Street. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Joyce Spencer-Nelson, Air Quality Division at (512) 239-5017 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

Electronic comments may be submitted at: http://www1.tceq.texas.gov/rules/comments/. File size restrictions may apply to comments being submitted via the eComments system. All comments regarding the DFW RACT Update SIP revision should reference Project No. 2017-001-SIP-NR. For further information regarding the DFW RACT Update SIP revision, please contact Kathy Singleton, Air Quality Division, (512) 239-0703. All comments regarding Agreed Order No. 2017-1648-SIP should reference Project No. 2018-010-SIP-NR. For further information regarding the agreed order, please contact Terry Salem, Environmental Law Division, (512) 239-0469. The comment period closes May 11, 2018. Copies of the proposed SIP revisions can be obtained from the commission’s website at https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone.

TRD-201801472
Robert Martinez
Director, Environmental Law
Texas Commission on Environmental Quality
Filed: April 6, 2018

General Land Office
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of March 26, 2018 to April 6, 2018. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§506.25, 506.32, and 506.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, April 13, 2018. The public comment period for this project will close at 5:00 p.m. on Sunday, May 13, 2018.

FEDERAL AGENCY ACTIONS:
Applicant: ExxonMobil Oil Corporation
Location: Neches River
Latitude & Longitude (NAD 83):
Dock #2: 30.07707 -94.07163
Dock #4: 30.07709 -94.06724
Dock #5: 30.07644 -94.06453
Coker Drum Offloading: 30.07561 -94.06235
Coke / Distillate Dock: 30.07095 -94.05690
Material Offload Dock: 30.06633 -94.05844
Golden Triangle Landfill: 29.99318 -94.15978
Allied Waste Landfill: 29.79394 -94.53651

Project Description: Dredging at Dock #2, Dock #4, and Dock #5:
Dredging at these locations was previously authorized by Department of the Army (DA) Permit SWG-1998-00824 (formerly 13930) with maintenance dredging later authorized by DA Permit 11566. Maintenance dredging permits have expired, but maintenance dredging of Dock #4 and Dock #5 was authorized by Nationwide Permit (NWP) after Hurricane Harvey. The applicant desires to consolidate previously authorized dredging at these locations into a single permit. The applicant requests dredge maintenance of these areas to a depth of -44 feet mean lower low water (MLLW). Material would be hydraulically dredged. The primary area for dredged material placement would be placement area (PA) 25A. Alternate locations for dredged material placement would be PA 25, PA 26, or PA 16.

Coker Drum Offloading Site: Dredging at this location was previously authorized by DA Permit SWG-1998-00824. The applicant proposes mechanical excavation of approximately 100 cubic yards of material from this area. Excavated material would be placed into roll off boxes, decanted, and dewatered material would be shipped for disposal into the Allied Waste Gulf West Landfill and/or the Golden Triangle Landfill.

Coke / Distillate Dock: A new distillate dock is proposed for construction and would be colocated with an existing Coke dock area. The proposed dock would be approximately 9,900-square-foot in size, including walkways and associated ancillary structures. Existing mooring buoys and breasting dolphins will be removed and will be replaced with new mooring and breasting dolphins. A new depth marker will be installed across from the dock. Dredging in this area was previously authorized under DA Permit SWG-1995-01478 (formerly 20172). The last maintenance dredging of this area was performed after Hurricane Harvey as an NWP under SWG-1998-00824, and was to a depth of -44 MLLW. The existing dredge area is proposed to be modified to include dredging over a larger area to a depth of -44 feet MLLW. Approximately 125,000 cubic yards is proposed for hydraulic dredging for the distillate dock area. Material would be placed into PA 25A, with alternate dredged material PAs as described above for Docks #2, #4, and #5.

New Material Offload Facility Dock: A new Material Offload Facility Dock is proposed for construction. The proposed dock and associated ancillary structures would be approximately 8,900-square-foot in size and associated barge monopiles and protection piles. The placement of fill material and construction of the dock would result into impacts to a wetland area of 18.2-square-foot (0.0004-acre) in size. New dredging

IN ADDITION April 20, 2018 43 TexReg 2483
NOTICE OF PUBLIC HEARING ON PROPOSED VOLUNTARY AGREED ORDER & PROPOSED REVISIONS TO THE STATE IMPLEMENTATION PLAN

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding a proposed voluntary Agreed Order and proposed revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §§382.011, 382.012, 382.017, 382.023-382.025; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update SIP revision (Non-Rule Project No. 2017-001-SIP-NR) would address the EPA’s final conditional approval of RACT for nitrogen oxides for the DFW 2008 eight-hour ozone standard nonattainment area through a voluntary Agreed Order No. 2017-1648-SIP (Non-Rule Project No. 2018-010-SIP-NR), with TXI Operations, LP.

The commission will hold a public hearing on these proposals in Arlington on May 10, 2018 at 2:00 p.m. in the Arlington Municipal Building, City Council Chamber, located at 101 W. Abram Street. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Joyce Spencer-Nelson, Air Quality Division at (512) 239-5017 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Electronic comments may be submitted at: http://www1.tceq.texas.gov/rules/ecomments/. File size restrictions may apply to comments being submitted via the eComments system. All comments regarding the DFW RACT Update SIP revision should reference Project No. 2017-001-SIP-NR. For further information regarding the DFW RACT Update SIP revision, please contact Kathy Singleton, Air Quality Division, (512) 239-0703. All comments regarding Agreed Order No. 2017-1648-SIP should reference Project No. 2018-010-SIP-NR. For further information regarding the agreed order, please contact Terry Salem, Environmental Law Division, (512) 239-0469. The comment period closes May 11, 2018. Copies of the proposed SIP revisions can be obtained from the commission’s website at https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone.
REVISIONS TO THE STATE OF TEXAS AIR QUALITY IMPLEMENTATION PLAN FOR THE CONTROL OF OZONE AIR POLLUTION

DALLAS-FORT WORTH EIGHT-HOUR OZONE NONATTAINMENT AREA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

DALLAS-FORT WORTH 2008 EIGHT-HOUR OZONE STANDARD NONATTAINMENT AREA REASONABLY AVAILABLE CONTROL TECHNOLOGY UPDATE STATE IMPLEMENTATION PLAN REVISION

PROJECT NUMBER 2017-001-SIP-NR

Proposal
April 4, 2018
EXECUTIVE SUMMARY

On March 12, 2008, the United States Environmental Protection Agency (EPA) changed the eight-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm. Under the 0.075 ppm (75 parts per billion) standard, the EPA designated Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties as nonattainment with a moderate classification, effective July 20, 2012. These 10 counties form the Dallas-Fort Worth (DFW) 2008 eight-hour ozone standard moderate nonattainment area.

On December 23, 2014, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) issued an opinion in a lawsuit which resulted in vacatur of the EPA's December 31, 2018 attainment date for the 2008 ozone NAAQS. As a result of the court case, the attainment date for the DFW moderate nonattainment area was changed to July 20, 2018 with a 2017 attainment year (80 FR 12264).

The Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 Eight-Hour Ozone Standard Nonattainment Area (2018 DFW AD SIP revision), submitted to the EPA on July 10, 2015, included Reasonably Available Control Technology (RACT) determinations for sources in the DFW 2008 ozone nonattainment area. After the submittal, in discussions with Texas Commission on Environmental Quality (TCEQ) staff, EPA Region 6 stated it could not approve the TCEQ's nitrogen oxides (NOx) RACT determination for Kiln No. 5 at the TXI Operations, LP (TXI) Portland cement kiln facility located in Ellis County. However, EPA Region 6 indicated that if the TCEQ acted to make the 1.95 pounds (lb) of NOx per ton of clinker emission limit contained in TXI's new source review (NSR) permit (Permit No. 1360A) directly enforceable under the SIP via an enforceable mechanism such as a voluntary agreed order, it could be considered by the EPA as satisfying RACT.

The TCEQ submitted a letter to the EPA on July 29, 2016 stating that, if adopted by the commission, the TCEQ commits to submit an updated DFW RACT SIP revision by no later than one year from the effective date of final conditional approval to address NOx RACT for TXI Kiln No. 5. On September 22, 2017, the EPA published final conditional approval of the NOx RACT for the DFW 2008 ozone standard nonattainment area (82 FR 33026), based on this commitment. The effective date of EPA's final conditional approval was October 23, 2017. This proposed DFW SIP revision is necessary to satisfy the EPA's approval of an updated DFW RACT SIP revision enforceable through a proposed voluntary Agreed Order No. 2017-1648-SIP that incorporates certain permit conditions for the TXI Portland cement manufacturing plant in Ellis County to limit NOx emissions from Kiln No. 5 to 1.95 lb of NOx per ton of clinker. If adopted by the commission, the TCEQ would submit this SIP revision and the adopted voluntary agreed order to the EPA by no later than October 23, 2018.

This proposed SIP revision also includes an explanation as to how Texas meets Federal Clean Air Act (FCAA), §182 requirements for emissions statements and the EPA's Guidance on the Implementation of an Emission Statement Program (July 1992). This information has not been included in a previous DFW SIP revision for the 2008 ozone standard.
Because this proposed DFW RACT Update SIP revision only provides an update to the RACT analyses and an explanation as to how Texas meets FCAA, §182 requirements for emissions statements, all other sections have been labeled “no change.” An electronic version of the 2018 DFW AD SIP revision for the 2008 ozone NAAQS submitted to the EPA on July 10, 2015 can be found at the TCEQ's Dallas-Fort Worth: Latest Ozone Planning Activities webpage (https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone).
SECTION V-A: LEGAL AUTHORITY

General
The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain, and enforce the National Ambient Air Quality Standards (NAAQS) and to control the quality of the state's air, including maintaining adequate visibility.


Originally, the TCAA stated that the Texas Air Control Board (TACB) is the state air pollution control agency and is the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). With the creation of the TNRCC, the authority over air quality is found in both the Texas Water Code and the TCAA. Specifically, the authority of the TNRCC is found in Chapters 5 and 7. Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization, and general powers and duties of the TNRCC, and the responsibilities and authority of the executive director. Chapter 5 also authorizes the TNRCC to implement action when emergency conditions arise and to conduct hearings. Chapter 7 gives the TNRCC enforcement authority. In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013, and changed the name of the TNRCC to the TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code, changing the expiration date of the TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2011, the 82nd Texas Legislature continued the existence of the TCEQ until 2023.

The TCAA specifically authorizes the TCEQ to establish the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize the TCEQ to collect information to enable the commission to develop an inventory of emissions; to conduct research and investigations; to enter property and examine records; to prescribe monitoring requirements; to institute enforcement proceedings; to enter into contracts and execute instruments; to formulate rules; to issue orders taking into consideration factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; to conduct hearings; to establish air quality control regions; to encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as the TCEQ to enter property and make inspections. They also
may make recommendations to the commission concerning any action of the TCEQ that affects their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

Subchapters G and H of the TCAA authorize the TCEQ to establish vehicle inspection and maintenance programs in certain areas of the state, consistent with the requirements of the Federal Clean Air Act; coordinate with federal, state, and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; establish gasoline volatility and low emission diesel standards; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Applicable Law
The following statutes and rules provide necessary authority to adopt and implement the state implementation plan (SIP). The rules listed below have previously been submitted as part of the SIP.

Statutes
All sections of each subchapter are included, unless otherwise noted.

TEXAS HEALTH & SAFETY CODE, Chapter 382
TEXAS WATER CODE
September 1, 2017

Chapter 5: Texas Natural Resource Conservation Commission
Subchapter A: General Provisions
Subchapter B: Organization of the Texas Natural Resource Conservation Commission
Subchapter C: Texas Natural Resource Conservation Commission
Subchapter D: General Powers and Duties of the Commission
Subchapter E: Administrative Provisions for Commission
Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.2275, 5.231, 5.232, and 5.236)
Subchapter H: Delegation of Hearings
Subchapter I: Judicial Review
Subchapter J: Consolidated Permit Processing
Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)
Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement
Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)
Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)
Subchapter C: Administrative Penalties
Subchapter D: Civil Penalties (except §7.109)
Subchapter E: Criminal Offenses and Penalties: §§7.177, 7.179-7.183
Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119
December 13, 1996 and May 2, 2002

Chapter 19: Electronic Reporting
March 15, 2007

Chapter 35: Subchapters A-C, K: Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions
July 20, 2006

Chapter 39: Public Notice, §§39.402(a)(1) - (6), (8), and (10) - (12), 39.405(f)(3) and (g), (h)(1)(A) - (4), (6), (8) - (11), (i) and (j), 39.407, 39.409, 39.411(a), (e)(1) - (4)(A)(i) and (iii), (4)(B), (5)(A) and (B), and (6) - (10), (11)(A)(i) and (iii) and (iv), (11)(B) - (F), (13) and (15), and (f)(1) - (8), (g) and (h), 39.418(a), (b)(2)(A), (b)(3), and (c), 39.419(e), 39.420 (c)(1)(A) - (D)(i)(I) and (II), (D)(ii), (c)(2), (d) - (e), and (h), and 39.601 - 39.605
December 29, 2016

Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, §§55.150, 55.152(a)(1), (2), (5), and (6) and (b), 55.154(a), (b), (c)(1) - (3), and (5), and (d) - (g), and 55.156(a), (b), (c)(1), (e), and (g)
December 31, 2015

Chapter 101: General Air Quality Rules
October 12, 2017

Chapter 106: Permits by Rule, Subchapter A
April 17, 2014

Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter
August 3, 2017

Chapter 112: Control of Air Pollution from Sulfur Compounds
July 16, 1997

Chapter 113: Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants
May 14, 2009

Chapter 114: Control of Air Pollution from Motor Vehicles
December 29, 2016

Chapter 115: Control of Air Pollution from Volatile Organic Compounds
June 25, 2015

Chapter 116: Permits for New Construction or Modification
November 24, 2016

Chapter 117: Control of Air Pollution from Nitrogen Compounds
June 25, 2015

Chapter 118: Control of Air Pollution Episodes
March 5, 2000

Chapter 122: §122.122: Potential to Emit
February 23, 2017
Chapter 122: §122.215: Minor Permit Revisions       June 3, 2001
Chapter 122: §122.216: Applications for Minor Permit Revisions       June 3, 2001
Chapter 122: §122.217: Procedures for Minor Permit Revisions       December 11, 2002
Chapter 122: §122.218: Minor Permit Revision Procedures for Permit
Revisions Involving the Use of Economic Incentives, Marketable
Permits, and Emissions Trading       June 3, 2001
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      Chapter 2: Emissions Inventories (No change)
      Chapter 3: Progress Toward Meeting Target Emissions Levels (No change)
      Chapter 4: Control Measures to Achieve Target Emissions Levels
      Chapter 5: Motor Vehicle Emissions Budget (No change)
      Chapter 6: Ongoing Initiatives (No change)
   2. Houston-Galveston-Brazoria (No change)
   3. Beaumont-Port Arthur (No change)
   4. El Paso (No change)
   5. Regional Strategies (No change)
   6. Northeast Texas (No change)
   7. Austin Area (No change)
   8. San Antonio Area (No change)
   9. Victoria Area (No change)

C. Particulate Matter (No change)

D. Carbon Monoxide (No change)

E. Lead (No change)

F. Oxides of Nitrogen (No change)

G. Sulfur Dioxide (No change)

H. Conformity with the National Ambient Air Quality Standards (No change)

I. Site Specific (No change)

J. Mobile Sources Strategies (No change)

K. Clean Air Interstate Rule (No change)

L. Transport (No change)

M. Regional Haze (No change)
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LIST OF ACRONYMS

ACT alternative control techniques
AD attainment demonstration
BACT best available control technology
CTG control techniques guidelines
DFW Dallas-Fort Worth
EPA United States Environmental Protection Agency
FCAA Federal Clean Air Act
MACT maximum achievable control technology
NAAQS National Ambient Air Quality Standard
NOx nitrogen oxides
NSR new source review
ppb parts per billion
ppm parts per million
RACM reasonably available control measures
RACT reasonably available control technology
SIP State Implementation Plan
TAC Texas Administrative Code
TACB Texas Air Control Board
TCAA Texas Clean Air Act
TCEQ Texas Commission on Environmental Quality (commission)
TNRCC Texas Natural Resource Conservation Commission
tpy tons per year
VOC volatile organic compounds
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Appendix F  Reasonably Available Control Technology (RACT) Analysis
Appendix I  Agreed Order Docket No. 2017-1648-SIP
CHAPTER 1: GENERAL

1.1 BACKGROUND (NO CHANGE)

1.2 INTRODUCTION (NO CHANGE)

1.2.1 One-Hour National Ambient Air Quality Standard (NAAQS) History (No Change)

1.2.2 1997 Eight-Hour Ozone NAAQS History (No Change)

1.2.3 2008 Eight-Hour Ozone NAAQS (No Change)

1.2.4 AD SIP Revision for the 2008 Ozone NAAQS (No Change)

1.2.5 AD SIP Revision for 2008 Ozone NAAQS for the 2017 Attainment Year (No Change)

1.2.6 DFW RACT Update SIP Revision

On July 10, 2015, the Texas Commission on Environmental Quality (TCEQ) submitted a state implementation plan (SIP) revision that included reasonably available control technology (RACT) determinations for sources in the DFW 2008 ozone nonattainment area. After the submittal, in discussions with TCEQ staff, the United States Environmental Protection Agency (EPA) Region 6 stated they could not approve the TCEQ's nitrogen oxides (NOx) RACT determination for Kiln No. 5 at the TXI Operations, LP (TXI) Portland cement kiln facility located in Ellis County. However, EPA Region 6 indicated that if the TCEQ acted to make the 1.95 pounds (lb) of NOx per ton of clinker emission limit contained in TXI's new source review (NSR) permit (Permit No. 1360A) directly enforceable under the SIP via an enforceable mechanism such as a voluntary agreed order or rule, it could be considered by the EPA as satisfying RACT.

The TCEQ submitted a letter to the EPA on July 29, 2016 stating that, if adopted by the commission, the TCEQ commits to submit a DFW RACT Update SIP revision by no later than one year from the effective date of final conditional approval to address NOx RACT for TXI Kiln No. 5. On September 22, 2017, the EPA published final conditional approval of the NOx RACT for the DFW 2008 ozone standard nonattainment area (82 FR 33026), based on this commitment. The effective date of the EPA's final conditional approval was October 23, 2017.

This proposed SIP revision would satisfy the EPA's conditional approval of NOx RACT for the DFW 2008 ozone nonattainment area through voluntary Agreed Order No. 2017-1648-SIP that incorporates certain permit conditions for the TXI cement manufacturing plant in Ellis County to limit NOx emissions for Kiln No. 5 to 1.95 lb of NOx per ton of clinker. If adopted by the commission, the TCEQ would submit a DFW RACT Update SIP revision to the EPA by no later than October 23, 2018.

1.2.7 Existing Ozone Control Strategies (No Change)

1.3 HEALTH EFFECTS (NO CHANGE)

1.4 STAKEHOLDER PARTICIPATION (NO CHANGE)
1.5 PUBLIC HEARING INFORMATION
The commission will hold a public hearing on this proposed DFW RACT Update SIP Revision at the following time and location:

Table 1-1: Public Hearing Information

<table>
<thead>
<tr>
<th>City</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
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<tbody>
<tr>
<td>Arlington</td>
<td>May 10, 2018</td>
<td>2:00 P.M.</td>
<td>Arlington City Council Chambers</td>
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<td>101 W. Abram St.</td>
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<tr>
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<td>Arlington, TX 76010</td>
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</table>

The public comment period will open on April 6, 2018, and close on May 11, 2018. Written comments will be accepted via mail, fax, or through the eComments (http://www1.tceq.texas.gov/rules/ecomments/index.cfm) system. All comments should reference the “Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update SIP Revision” and should reference Project Number 2017-001-SIP-NR. Comments may be submitted to Kathy Singleton, MC 206, State Implementation Plan Team, Air Quality Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-6188. If you choose to submit electronic comments, they must be submitted through the eComments system. File size restrictions may apply to comments being submitted via the eComments system. Comments must be received by May 11, 2018.

An electronic version of the DFW RACT Update SIP Revision and appendices can be found at the TCEQ's Dallas-Fort Worth: Latest Ozone Planning Activities webpage (https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone).

1.6 SOCIAL AND ECONOMIC CONSIDERATIONS (NO CHANGE)

1.7 FISCAL AND MANPOWER RESOURCES (NO CHANGE)
CHAPTER 2: ANTHROPOGENIC EMISSIONS INVENTORY (EI) DESCRIPTION (NO CHANGE)
CHAPTER 3: PHOTOCHEMICAL MODELING (NO CHANGE)
CHAPTER 4: CONTROL STRATEGIES AND REQUIRED ELEMENTS

4.1 INTRODUCTION (NO CHANGE)

4.2 EXISTING CONTROL MEASURES (NO CHANGE)

4.3 UPDATES TO EXISTING CONTROL MEASURES (NO CHANGE)

4.4 NEW CONTROL MEASURES (NO CHANGE)

4.5 RACT ANALYSIS

4.5.1 General Discussion

Nonattainment areas classified as moderate and above are required to meet the mandates of the Federal Clean Air Act (FCAA) under §172(c)(1) and §182(b)(2) and (f). According to the United States Environmental Protection Agency’s (EPA) 2008 eight-hour ozone state implementation plan (SIP) requirements rule (80 Federal Register (FR) 12264), states containing areas classified as moderate ozone nonattainment or higher must submit a SIP revision to fulfill the reasonably available control technology (RACT) requirements for all control techniques guidelines (CTG) emission source categories and all non-CTG major sources of nitrogen oxides (NOx) and volatile organic compounds (VOC), and this SIP revision must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that there are no sources in the nonattainment area covered by a specific CTG source category. The major source threshold for moderate ozone nonattainment areas is a potential to emit 100 tons per year (tpy) or more of either NOx or VOC. The 100 tpy major source threshold applies in Wise County. A 50 tpy major source threshold is retained for the remaining nine counties, which were classified as a serious nonattainment area under the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS). On November 8, 2016, the EPA published its final approval of the Dallas-Fort Worth (DFW) area redesignation substitute for the one-hour ozone and 1997 eight-hour ozone NAAQS (81 FR 78688). The effective date of the rule was December 8, 2016.

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). RACT requirements for moderate and higher classification ozone nonattainment areas are included in the FCAA to assure that significant source categories at major sources of ozone precursor emissions are controlled to a reasonable extent, but not necessarily to best available control technology (BACT) levels expected of new sources or to maximum achievable control technology (MACT) levels required for major sources of hazardous air pollutants.

While RACT and reasonably available control measures (RACM) have similar consideration factors like technological and economic feasibility, there is a significant distinction between RACT and RACM. A control measure must advance attainment of the area towards the meeting the NAAQS for that measure to be considered RACM. Advancing attainment of the area is not a factor of consideration when evaluating RACT because the benefit of implementing RACT is presumed under the FCAA.
In 2008, the EPA approved the DFW NO\textsubscript{x} rules in 30 Texas Administrative Code (TAC) Chapter 117 (73 FR 73562). In 2009, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 and NO\textsubscript{x} rules for cement kilns in 30 TAC Chapter 117 as meeting the FCAA RACT requirements (74 FR 1903 and 74 FR 1927). In 2014, the EPA approved the 30 TAC Chapter 115 rules for VOC storage tanks as meeting the FCAA RACT requirements (79 FR 53299). State regulations in Chapter 115 that implement the controls recommended in CTG or alternative control techniques (ACT) documents or that implement equivalent or superior emission control strategies were determined to fulfill RACT requirements for any CTG or ACT documents issued prior to 2006 for the nine-county DFW 1997 eight-hour ozone nonattainment area.

The EPA issued 11 CTG documents between 2006 and 2008 with recommendations for VOC controls on a variety of consumer and commercial products. The RACT analysis included in the DFW Attainment Demonstration (AD) SIP revision for the 1997 Eight-Hour Ozone Standard adopted on March 10, 2010 addressed the following three CTG documents:

- Flat Wood Paneling Coatings, Group II issued in 2006;
- Offset Lithographic and Letterpress Printing, Group II issued in 2006; and

The RACT analysis included in the DFW AD SIP Revision for the 1997 Eight-Hour Ozone Standard adopted on December 7, 2011 addressed the remaining eight CTG documents:

- Flexible Packaging Printing Materials, Group II issued in 2006;
- Industrial Cleaning Solvents, Group II issued in 2006;
- Large Appliance Coatings, Group III issued in 2007;
- Metal Furniture Coatings, Group III issued in 2007;
- Paper, Film, and Foil Coatings, Group III issued in 2007;
- Miscellaneous Industrial Adhesives, Group IV issued in 2008;
- Miscellaneous Metal and Plastic Parts Coatings, Group IV issued in 2008; and
- Auto and Light-Duty Truck Assembly Coatings, Group IV issued in 2008.

In 2014, the EPA approved the 30 TAC Chapter 115 rules for offset lithographic printing as meeting the FCAA RACT requirements (79 FR 45105). In 2015, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 addressing the remaining CTGs issued between 2006 and 2008, in addition to approving the DFW RACT analysis as meeting the FCAA RACT requirements for all affected VOC and NO\textsubscript{x} sources under the 1997 eight-hour ozone NAAQS (80 FR 16291).

TCEQ rules that are consistent with or more stringent than controls implemented in other ozone nonattainment areas were also determined to fulfill RACT requirements. Federally approved state rules and rule approval dates can be found in 40 Code of Federal Regulations §52.2270(c), EPA Approved Regulations in the Texas SIP. Emission sources subject to the more stringent BACT or MACT requirements were determined to also fulfill RACT requirements.

The Texas Commission on Environmental Quality (TCEQ) reviewed the emission sources in the DFW ozone nonattainment area and the applicable TCEQ rules to verify
that all CTG or ACT emission source categories and non-CTG or non-ACT major emission sources in the DFW ozone nonattainment area were subject to requirements that meet or exceed the applicable RACT requirements, or that further emission controls on the sources were either not economically feasible or not technologically feasible. Additional detail can be found in Appendix F: RACT Analysis of this DFW RACT Update SIP revision.

On September 22, 2017, the EPA published its conditional approval of revisions to the Texas SIP for NOx RACT for the TXI Operations, LP (TXI) cement manufacturing plant in Ellis County, and full approval of revisions addressing NOx RACT for all other affected sources in the DFW 2008 eight-hour ozone nonattainment area (82 FR 44320). On December 21, 2017, the EPA published its final approval of VOC RACT and negative declarations for the DFW 2008 eight-hour ozone standard nonattainment area (82 FR 60546).

4.5.2 NOx RACT Determination

The Chapter 117 rules represent one of the most comprehensive NOx control strategies in the nation. The NOx controls and reductions implemented through Chapter 117 for the ten-county DFW ozone nonattainment area encompass both RACT and beyond-RACT levels of control for the 2008 eight-hour ozone standard. The current EPA-approved Chapter 117 rules continue to fulfill RACT requirements for the 2008 eight-hour ozone standard for NOx source categories that exist in the DFW nonattainment area under the 2008 eight-hour ozone NAAQS. As part of the DFW 2008 Eight-Hour Ozone NAAQS AD SIP revision, the TCEQ conducted its RACT analysis for NOx major sources. The Chapter 117 rules are not being affected by this proposed RACT analysis update and the Chapter 117 rules regarding cement kilns continue to apply to the TXI Portland cement manufacturing plant in Ellis County. However, RACT for the TXI Cement Kiln No. 5 is fulfilled by the concurrently proposed voluntary Agreed Order (Non-Rule Project No. 2018-010-SIP-NR) rather than the Chapter 117 rules.

For major NOx emission sources for which NOx controls are technologically and economically feasible, RACT is fulfilled by existing source-specific rules in Chapter 117, and other federally enforceable measures. Additional NOx controls on certain major sources were determined to be either not economically feasible or not technologically feasible. Table F-4: State Rules Addressing NOx RACT Requirements for Major Emission Sources in the Nine-County DFW Area in Appendix F provides additional detail on the major emission sources, and has been updated to include the proposed voluntary agreed order as part of the analysis for TXI.

4.5.2.1 Wise County Major Sources (No Change)

4.5.2.2 Wood Fired Boilers (No Change)

4.5.2.3 Cement Kilns

The cement kilns located in Ellis County are subject to the requirements of Chapter 117, Subchapter E, Division 2, and in 2009, the EPA approved these rules as meeting the FCAA RACT requirements for these sources for the 1997 eight-hour ozone NAAQS (74 FR 1927). Three companies currently operate four kilns in Ellis County: Ash Grove Cement Company, Holcim U.S., Inc, and TXI. On September 22, 2017, the EPA published
conditional approval of revisions to the NO\textsubscript{x} RACT for the TXI Portland cement manufacturing plant in Ellis County, and full approval of revisions addressing the NO\textsubscript{x} RACT for all other affected sources in the DFW 2008 eight-hour ozone nonattainment area (82 FR 44320). For Ash Grove, RACT is fulfilled with the 1.5 pounds (lb) of NO\textsubscript{x} per ton of clinker emission standards in the New Source Performance Standards for Portland Cement Plants. For Holcim, the current §117.3123 source cap of 5.3 tpd NO\textsubscript{x} fulfills RACT, as previously approved by the EPA. For TXI, the conditional approval is based on a commitment to submit specific enforceable measures (i.e., an agreed order or rule) that incorporate certain permit conditions for the TXI cement manufacturing plant to limit NO\textsubscript{x} emissions to 1.95 lb of NO\textsubscript{x} per ton of clinker.

In response to the EPA's conditional approval of NO\textsubscript{x} RACT for TXI, the permitted emission limit of 1.95 lb of NO\textsubscript{x} per ton of clinker is proposed as RACT in this SIP revision and would be enforceable through the concurrently proposed voluntary agreed order between the TCEQ and TXI (see Appendix I: Agreed Order). The voluntary agreed order would also establish the monitoring, recordkeeping, and averaging time requirements for demonstrating compliance with the 1.95 lb of NO\textsubscript{x} per ton of clinker limit.

4.6 RACM ANALYSIS (NO CHANGE)

4.7 MVEB (NO CHANGE)

4.8 MONITORING NETWORK (NO CHANGE)

4.9 CONTINGENCY PLAN (NO CHANGE)

4.10 EMISSION STATEMENT PROGRAM

On August 26, 1994, the EPA published proposed approval and a direct final approval of a revision to the Texas SIP that included revisions to 30 TAC §101.10: Emissions Inventory Requirements and implemented an emission statement program for stationary sources within ozone nonattainment areas (59 FR 44036). The effective date for the direct final approval was October 25, 1994. Approval of this DFW RACT Update SIP Revision satisfies FCAA, §182 requirements and EPA's Guidance on the Implementation of an Emission Statement Program (July 1992).

4.11 REFERENCES (NO CHANGE)
Appendices available upon request.

Kathy Singleton  
SIP Project Manager  
kathy.singleton@tceq.texas.gov  
512.239.0703
TESTIMONY
# INDEX OF WRITTEN TESTIMONY

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Submitted by</th>
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<tbody>
<tr>
<td>W-1</td>
<td>Michael Feldman, PhD, United States Environmental Protection Agency</td>
</tr>
</tbody>
</table>
Ms. Kathy Singleton (MC206)
State Implementation Plan Team
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Ms. Singleton:

Thank you for the opportunity to comment on the proposed State Implementation Plan (SIP) revision concerning Oxides of Nitrogen (NOx) Reasonably Available Control Technology (RACT) provisions for the TXI Operations, LP. It is our understanding that SIP project number 2017-001-SIP-NR is intended to address the Environmental Protection Agency’s (EPA) final conditional approval of NOx RACT, 82 FR 44320, for the Dallas Fort Worth (DFW) 2008 8-Hour ozone nonattainment area through an Agreed Order (AO). We appreciate TCEQ’s efforts to timely meet the commitment that upon which our conditional approval was based. We offer the following comments on the proposed SIP revision:

1. The proposed SIP revision and the AO refer to the TXI Operations, LP as the affected entity; however, TCEQ’s June 29, 2016, commitment letter to the EPA references “Martin Marietta” and “Martin Marietta's permit (TCEQ Permit No. 1360A)”. Please clarify this interchangeable use of names.

2. The AO makes numerous references to TCEQ’s “NSR Permit No. 1360A (PSDTEX632M1)” and NSR Permit No. 1360A (PSDTEX632M1) version issued on December 7, 2015, as the air permit for the affected Company in conjunction with the SIP project number 2017-001-SIP-NR. The AO in and of itself is enforceable. However, it would be preferable if any permits referenced in the AO were sent, not as a proposed revision to the SIP, but for us to add into the record for the public’s understanding that these referenced permits are not required for acting on the AO by itself.

3. Item 19, Part I-Stipulations of the AO states:

“The Company and the Commission further agree that the 1.95 lb NOx/ton of clinker, 30-day rolling average set forth in NSR permit 1360A (PSDTEX632M1) Special Condition 3.A.(1) may not be modified to be greater than 1.95 lb NOx/ton of clinker, 30-day rolling average, without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions.”

Furthermore, Item 1, Part II-Order of the AO states:

“NOx RACT for the Company’s cement manufacturing plant Kiln No. 5 under the 2008 8-Hour ozone NAAQS is the 1.95 lb NOx/ton of clinker, 30-day rolling average limit set forth in NSR permit 1360A (PSDTEX632M1) Special Condition 3.A.(1). The Company shall continue to comply with Special Condition 3.A.(1) of NSR permit 1360A (PSDTEX632M1), and shall not modify such emission limit to be greater than 1.95 lb NOx/ton of clinker on a 30-day rolling average, effective upon the date of this Agreed Order, without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions.”
We understand these two Items to mean that the 1.95 lb NO\textsubscript{x} ton of clinker for Kiln No. 5 included in the AO as NO\textsubscript{x} RACT is an enforceable limit that will be incorporated into the SIP upon our approval. We further understand this limit is included in the permit and neither the SIP limit nor the permit limit can be revised without an EPA approved RACT determination in accordance with state and federal requirements. Please confirm, if our understanding of these two Items is correct.

We appreciate the opportunity to review and comment on the proposed SIP revision. If you have any questions regarding these comments, please feel free to contact Mr. Alan Shar of my staff at (214) 665-6691.

Sincerely,

Michael Feldman, PhD
Chief
Air Planning Section
INDEX OF ORAL TESTIMONY

NO ORAL TESTIMONY WAS RECEIVED PERTAINING TO THIS SIP REVISION AND AGREED ORDER.
Texas Commission on Environmental Quality
Public Hearing Registration

May 10, 2018
2:00 p.m.

SIP Project No.: 2017-001-SIP-NR and 2018-010-SIP-NR
Short Title: DFW RACT Update SIP Revision and Agreed Order between the TCEQ and TXI Operations, LP
Location: Arlington City Council Chambers
Concerning: Proposed voluntary Agreed Order and proposed revision to the State Implementation Plan (SIP) Revision for the DFW 2008 Eight-Hour Ozone standard nonattainment area

<table>
<thead>
<tr>
<th>Name (Please Print)</th>
<th>Representing</th>
<th>Presenting Oral Testimony? (Circle One)</th>
</tr>
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<tbody>
<tr>
<td>Chris Smith</td>
<td>TXI Operations LP</td>
<td>Yes No</td>
</tr>
<tr>
<td>Michael Meyer</td>
<td>TXI Operations LP</td>
<td>Yes No</td>
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<tr>
<td>Judy Lora</td>
<td>NCRG</td>
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HEARING OFFICER REPORT

I am the hearing officer assigned to conduct the public hearing regarding the proposed Dallas-Fort Worth 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology Update SIP revision (Non-Rule Project No. 2017-001-SIP-NR) and a voluntary Agreed Order No. 2017-1648-SIP (Non-Rule Project No. 2018-010-SIP-NR), with TXI Operations, LP.

A public hearing was scheduled for May 10, 2018 at 2:00 p.m. in the Arlington Municipal Building, City Council Chamber, located at 101 W. Abram Street.

At 1:30 p.m. the room was open and TCEQ staff members were available to discuss the proposal. At 2:00 p.m. TCEQ staff and a court reporter were present and ready to open the hearing for public comment. After waiting for 20 minutes, no one had arrived to make comments on the record. Therefore, the public hearing was not formally opened for comment and a transcript was not prepared.

Kathy Singleton
Hearing Officer

5/14/18
Date signed
EVALUATION
Texas Commission on Environmental Quality
Interoffice Memorandum

To: Commissioners

Date: July 20, 2018

Thru: Bridget C. Bohac, Chief Clerk
Stephanie Bergeron Perdue, Interim Executive Director

From: Steve Hagle, P.E., Deputy Director
Office of Air

Docket No.: 2018-0040-SIP

Subject: Commission Approval for Adoption of the Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update State Implementation Plan (SIP) Revision

DFW RACT Update SIP Revision
SIP Project No. 2017-001-SIP-NR

Background and reason(s) for the SIP Revision:
The Federal Clean Air Act (FCAA) requires states to submit plans to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) for nonattainment areas within the state. On May 1, 2012, the 10-county DFW area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was designated a moderate nonattainment area for the 2008 eight-hour ozone standard.

On July 10, 2015, the Texas Commission on Environmental Quality (TCEQ) submitted a SIP revision that included RACT determinations for sources in the DFW 2008 ozone nonattainment area. After the submittal, in discussions with TCEQ staff, the United States Environmental Protection Agency (EPA) Region 6 stated it could not approve the TCEQ's nitrogen oxides (NOx) RACT determination for Kiln No. 5 at the TXI Operations, LP, (TXI) Portland cement kiln facility located in Ellis County. However, EPA Region 6 indicated that if the TCEQ acted to make the 1.95 pounds (lb) of NOx per ton of clinker emission limit contained in TXI's new source review permit (Permit No. 1360A) directly enforceable via an enforceable mechanism such as a voluntary agreed order or rule, it could be considered by the EPA as satisfying RACT.

The TCEQ submitted a letter to the EPA on July 29, 2016 stating that, if adopted by the commission, the TCEQ commits to submit an updated DFW RACT SIP revision by no later than one year from the effective date of final conditional approval to address NOx RACT for TXI Kiln No. 5. On September 22, 2017, the EPA published final conditional approval of the NOx RACT for the DFW 2008 Eight-Hour ozone standard nonattainment area (82 FR 33026), based on this commitment. The effective date of the EPA's final conditional approval was October 23, 2017.

Scope of the SIP revision:

A.) Summary of what the SIP revision will do:
This memo applies to the DFW 2008 Eight-Hour Ozone Standard Nonattainment Area RACT Update SIP Revision, which would be adopted in conjunction with Agreed Order No. 2017-1648-SIP (Project No. 2018-010-SIP-NR), the details of which are covered in a separate memo.
Commissioners
Page 2
July 20, 2018

Re: Docket No. 2018-0040-SIP

The DFW RACT Update SIP Revision addresses the EPA's final conditional approval of RACT for NOx for the DFW 2008 eight-hour ozone standard nonattainment area through an agreed order with TXI. The Agreed Order No. 2017-1648-SIP incorporates certain permit conditions for the TXI Portland cement manufacturing plant in Ellis County to limit NOx emissions to 1.95 lb of NOx per ton of clinker from Kiln No. 5 to make that limit federally enforceable as NOx RACT. If adopted by the commission, the TCEQ would submit the voluntary agreed order and the updated DFW RACT SIP revision to the EPA by no later than October 23, 2018.

B.) Scope required by federal regulations or state statutes:
The SIP revision is necessary to satisfy the EPA's interpretation of FCAA, §172 and §182 requirements for RACT. The SIP revision and the accompanying voluntary agreed order establishes the state and federally enforceable applicable NOx emission limit for Kiln No. 5 located at the TXI site in Midlothian, Ellis County, Texas that will meet the requirements of the FCAA for NOx RACT.

C.) Additional staff recommendations that are not required by federal rule or state statute:
Staff recommends including an explanation in the DFW RACT Update SIP Revision as to how Texas meets FCAA, §182 requirements for emissions statements and the EPA's Guidance on the Implementation of an Emission Statement Program (July 1992). This information has not been included in a previous DFW SIP revision for the 2008 ozone standard, and the EPA has requested that the TCEQ document how Texas meets this requirement in the SIP.

Statutory authority:
The authority to adopt the SIP revision is derived from FCAA, 42 United States Code, §7410, which requires states to submit SIP revisions that contain enforceable measures to achieve the NAAQS and other general and specific authority in Texas Water Code, Chapters 5 and 7 and Texas Health and Safety Code, Chapter 382.

Effect on the:
A.) Regulated community:
The 1.95 lb of NOx per ton of clinker emission limit contained in TXI's new source review permit (Permit No. 1360A) would be made directly enforceable under the SIP via a voluntary agreed order that would be submitted to the EPA concurrent with this SIP revision. TXI is already complying with the permitted emission limit, and no additional controls or costs are expected to be necessary to comply with a voluntary agreed order to make the limit enforceable under the SIP.

B.) Public:
None

C.) Agency programs:
No impact on agency programs is anticipated. If a SIP revision is not submitted addressing RACT for the TXI Kiln No. 5 then the EPA has indicated that it will disapprove the TCEQ's RACT determination for TXI Kiln No. 5.
Commissioners
Page 3
July 20, 2018

Re: Docket No. 2018-0040-SIP

Stakeholder meetings:
TCEQ staff met with TXI representatives to discuss this issue.

Public comment:
The public comment period opened on April 6, 2018, and closed on May 11, 2018. The commission offered a public hearing in Arlington on May 10, 2018 at 2:00 p.m. The public hearing was not opened because there were no attendees who signed in to speak. During the comment period, staff received comments from the EPA regarding the agreed order.

Significant changes from proposal:
None

Potential controversial concerns and legislative interest:
Historically, environmental groups have contended that RACT for cement kilns in this area should be a control level based on the installation of selective catalytic reduction NOx control technology.

Does this SIP revision affect any current policies or require development of new policies?
No

What are the consequences if this SIP revision does not go forward? Are there alternatives to this SIP revision?
The TCEQ could choose not to proceed with the RACT update, which would result in a disapproval of NOx RACT for the DFW area by the EPA of the NOx RACT determination, submitted to the EPA on July 10, 2015, for the TXI Portland cement kiln facility Kiln No. 5, located in Ellis County. Disapproval of RACT for the site could result in the EPA issuing a federal implementation plan to implement RACT for TXI and potentially federal highway sanctions against the state.

Kathy Singleton, SIP Project Manager, Air Quality Division, (512) 239-0703
Terry Salem, Staff Attorney, (512) 239-0469
Joyce Spencer-Nelson, Agenda Coordinator, (512) 239-5017

cc: Chief Clerk, 2 copies
    Executive Director's Office
    Jim Rizk
    Office of General Counsel
    Kathy Singleton
    Joyce Spencer-Nelson
RESPONSE TO COMMENTS RECEIVED CONCERNING THE DALLAS-FORT WORTH (DFW) 2008 EIGHT-HOUR OZONE STANDARD NONATTAINMENT AREA REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) UPDATE STATE IMPLEMENTATION PLAN (SIP) REVISION AND AGREED ORDER

The Texas Commission on Environmental Quality (commission or TCEQ) offered a public hearing in Arlington on May 10, 2018, at 2:00 p.m. The public hearing was not opened because there were no attendees who signed in to speak.

During the comment period, which closed on May 11, 2018, the commission received comments from the United States Environmental Protection Agency (EPA).

GENERAL COMMENTS

The EPA commented that the proposed SIP revision and the agreed order refer to the TXI Operations, LP as the affected entity; however, the TCEQ's June 29, 2016, commitment letter to the EPA references "Martin Marietta" and "Martin Marietta's permit (TCEQ Permit No. 1360A)". The EPA requested clarification regarding the change of entity names associated with the site and the agreed order.

The commission apologizes for the confusion caused by reference to "Martin Marietta" in the original TCEQ letter. The TCEQ referenced "Martin Marietta" in the commitment letter because Martin Marietta Materials, Inc. is the parent corporate entity. However, TXI Operations, LP (TXI) is the entity permitted under new source review (NSR) Permit No. 1360A. Therefore, the commission determined that referencing TXI when drafting the proposed SIP revision and the agreed order was necessary to ensure appropriate enforceability consistent with the permit. TCEQ staff have confirmed that TXI is the appropriate entity name for the agreed order through agency records and communication from counsel for Martin Marietta Materials, Inc. The commission has included the letter, dated May 24, 2018, from Chris Smith of Smith & Jolin, L.P. as an addendum to Appendix F to the SIP. No changes were made to the SIP revision or agreed order in response to this comment.

The EPA requested a version of the nonattainment new source review (NSR) permit referenced in the agreed order (NSR Permit No. 1360A (PSDTX632MI)) version issued on December 7, 2015, be submitted, not as a SIP revision itself but for inclusion in the rulemaking docket for this SIP revision for ease of access by the public.

The TCEQ provided a copy of the December 7, 2015 version of NSR Permit No. 1360A (PSDTX632MI) to the EPA on May 9, 2018 via electronic mail. The TCEQ provided a copy of the permit as docket information only. Inclusion of the permit itself in the SIP is not necessary because the agreed order, the enforceable mechanism for the RACT limit, is being submitted as a revision to the SIP.

The EPA requested confirmation of its understanding that stipulation 19 and ordering provision 1 of the agreed order specify that the NSR permit limit of 1.95 pound of nitrogen oxides (lb NOx) per ton of clinker for Kiln No. 5 will be incorporated into the SIP and enforceable as NOx RACT upon EPA approval of the agreed order and neither
The TCEQ agrees that stipulation 19 and ordering provision 1 of the agreed order specify that the NSR permit limit of 1.95 lb NO\textsubscript{x} per ton of clinker will be incorporated into the SIP and enforceable as NO\textsubscript{x} RACT for the TXI, Kiln No. 5 upon EPA approval of the agreed order and neither this SIP limit nor the NSR permit limit can be revised to be less stringent without an EPA-approved RACT determination in accordance with state and federal requirements.
RECOMMENDATION
REVISIONS TO THE STATE OF TEXAS AIR QUALITY IMPLEMENTATION PLAN FOR THE CONTROL OF OZONE AIR POLLUTION

DALLAS-FORT WORTH EIGHT-HOUR OZONE NONATTAINMENT AREA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

DALLAS-FORT WORTH 2008 EIGHT-HOUR OZONE STANDARD NONATTAINMENT AREA REASONABLY AVAILABLE CONTROL TECHNOLOGY UPDATE STATE IMPLEMENTATION PLAN REVISION

PROJECT NUMBER 2017-001-SIP-NR

Adoption
August 8, 2018
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EXECUTIVE SUMMARY

On March 12, 2008, the United States Environmental Protection Agency (EPA) changed the eight-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm. Under the 0.075 ppm (75 parts per billion) standard, the EPA designated Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties as nonattainment with a moderate classification, effective July 20, 2012. These 10 counties form the Dallas-Fort Worth (DFW) 2008 eight-hour ozone standard moderate nonattainment area.

On December 23, 2014, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) issued an opinion in a lawsuit which resulted in vacatur of the EPA’s December 31, 2018 attainment date for the 2008 ozone NAAQS. As a result of the court case, the attainment date for the DFW moderate nonattainment area was changed to July 20, 2018 with a 2017 attainment year (80 FR 12264).

The Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 Eight-Hour Ozone Standard Nonattainment Area (2018 DFW AD SIP revision), submitted to the EPA on July 10, 2015, included Reasonably Available Control Technology (RACT) determinations for sources in the DFW 2008 ozone nonattainment area. After the submittal, in discussions with Texas Commission on Environmental Quality (TCEQ) staff, EPA Region 6 stated it could not approve the TCEQ’s nitrogen oxides (NOx) RACT determination for Kiln No. 5 at the TXI Operations, LP (TXI) Portland cement kiln facility located in Ellis County. However, EPA Region 6 indicated that if the TCEQ acted to make the 1.95 pounds (lb) of NOx per ton of clinker emission limit contained in TXI’s new source review (NSR) permit (Permit No. 1360A) directly enforceable under the SIP via an enforceable mechanism such as a voluntary agreed order, it could be considered by the EPA as satisfying RACT.

The TCEQ submitted a letter to the EPA on July 29, 2016 stating that, if adopted by the commission, the TCEQ commits to submit an updated DFW RACT SIP revision by no later than one year from the effective date of final conditional approval to address NOx RACT for TXI Kiln No. 5. On September 22, 2017, the EPA published final conditional approval of the NOx RACT for the DFW 2008 ozone standard nonattainment area (82 FR 33026), based on this commitment. The effective date of EPA’s final conditional approval was October 23, 2017. This DFW SIP revision is necessary to satisfy the EPA’s approval of an updated DFW RACT SIP revision enforceable through a voluntary Agreed Order No. 2017-1648-SIP that incorporates certain permit conditions for the TXI Portland cement manufacturing plant in Ellis County to limit NOx emissions from Kiln No. 5 to 1.95 lb of NOx per ton of clinker. The TCEQ will submit this SIP revision and the adopted voluntary agreed order to the EPA by no later than October 23, 2018.

This SIP revision also includes an explanation as to how Texas meets Federal Clean Air Act (FCAA), §182 requirements for emissions statements and the EPA’s Guidance on the Implementation of an Emission Statement Program (July 1992). This information has not been included in a previous DFW SIP revision for the 2008 ozone standard.

Because this DFW RACT Update SIP revision only provides an update to the RACT analyses and an explanation as to how Texas meets FCAA, §182 requirements for emissions statements, all other sections have been labeled “no change.” An electronic
SECTION V-A: LEGAL AUTHORITY

General
The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain, and enforce the National Ambient Air Quality Standards (NAAQS) and to control the quality of the state’s air, including maintaining adequate visibility.


Originally, the TCAA stated that the Texas Air Control Board (TACB) is the state air pollution control agency and is the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). With the creation of the TNRCC, the authority over air quality is found in both the Texas Water Code and the TCAA. Specifically, the authority of the TNRCC is found in Chapters 5 and 7. Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization, and general powers and duties of the TNRCC, and the responsibilities and authority of the executive director. Chapter 5 also authorizes the TNRCC to implement action when emergency conditions arise and to conduct hearings. Chapter 7 gives the TNRCC enforcement authority. In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013, and changed the name of the TNRCC to the TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code, changing the expiration date of the TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2011, the 82nd Texas Legislature continued the existence of the TCEQ until 2023.

The TCAA specifically authorizes the TCEQ to establish the level of quality to be maintained in the state’s air and to control the quality of the state’s air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize the TCEQ to collect information to enable the commission to develop an inventory of emissions; to conduct research and investigations; to enter property and examine records; to prescribe monitoring requirements; to institute enforcement proceedings; to enter into contracts and execute instruments; to formulate rules; to issue orders taking into consideration factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; to conduct hearings; to establish air quality control regions; to encourage cooperation with citizens’ groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as the TCEQ to enter property and make inspections. They also
may make recommendations to the commission concerning any action of the TCEQ that affects their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

Subchapters G and H of the TCAA authorize the TCEQ to establish vehicle inspection and maintenance programs in certain areas of the state, consistent with the requirements of the Federal Clean Air Act; coordinate with federal, state, and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; establish gasoline volatility and low emission diesel standards; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

**Applicable Law**

The following statutes and rules provide necessary authority to adopt and implement the state implementation plan (SIP). The rules listed below have previously been submitted as part of the SIP.

**Statutes**

All sections of each subchapter are included, unless otherwise noted.

- **TEXAS HEALTH & SAFETY CODE, Chapter 382**
  
  September 1, 2017

- **TEXAS WATER CODE**
  
  September 1, 2017

**Chapter 5: Texas Natural Resource Conservation Commission**

- Subchapter A: General Provisions
- Subchapter B: Organization of the Texas Natural Resource Conservation Commission
- Subchapter C: Texas Natural Resource Conservation Commission
- Subchapter D: General Powers and Duties of the Commission
- Subchapter E: Administrative Provisions for Commission
- Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.2275, 5.231, 5.232, and 5.236)
- Subchapter H: Delegation of Hearings
- Subchapter I: Judicial Review
- Subchapter J: Consolidated Permit Processing
- Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)
- Subchapter M: Environmental Permitting Procedures (§5.558 only)

**Chapter 7: Enforcement**

- Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)
- Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)
- Subchapter C: Administrative Penalties
- Subchapter D: Civil Penalties (except §7.109)
- Subchapter E: Criminal Offenses and Penalties: §§7.177, 7.179-7.183
Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119
December 13, 1996 and May 2, 2002

Chapter 19: Electronic Reporting
March 15, 2007

Chapter 35: Subchapters A-C, K: Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions
July 20, 2006

Chapter 39: Public Notice, §§39.402(a)(1) - (6), (8), and (10) - (12), 39.405(f)(3) and (g), (h)(1)(A) - (4), (6), (8) - (11), (i) and (j), 39.407, 39.409, 39.411(a), (e)(1) - (4)(A)(i) and (iii), (4)(B), (5)(A) and (B), and (6) - (10), (11)(A)(i) and (iii) and (iv), (11)(B ) - (F), (13) and (15), and (f)(1) - (8), (g) and (h), 39.418(a), (b)(2)(A), (b)(3), and (c), 39.419(e), 39.420 (c)(1)(A) - (D)(i)(I) and (II), (D)(ii), (c)(2), (d) - (e), and (h), and 39.601 - 39.605
December 29, 2016

Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, §§55.1; 55.21(a) - (d), (e)(2), (3), and (12), (f) and (g); 55.101(a), (b), and (c)(6) - (8); 55.103; 55.150; 55.152(a)(1), (2), and (6) and (b); 55.154; 55.156; 55.200; 55.201(a) - (h); 55.203; 55.205; 55.209, and 55.211
December 29, 2016

Chapter 101: General Air Quality Rules
October 12, 2017

Chapter 106: Permits by Rule, Subchapter A
April 17, 2014

Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter
August 3, 2017

Chapter 112: Control of Air Pollution from Sulfur Compounds
July 16, 1997

Chapter 113: Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants
May 14, 2009

Chapter 114: Control of Air Pollution from Motor Vehicles
December 29, 2016

Chapter 115: Control of Air Pollution from Volatile Organic Compounds
January 5, 2017

Chapter 116: Permits for New Construction or Modification
November 24, 2016

Chapter 117: Control of Air Pollution from Nitrogen Compounds
June 25, 2015

Chapter 118: Control of Air Pollution Episodes
March 5, 2000
Chapter 122: §122.122: Potential to Emit
February 23, 2017

Chapter 122: §122.215: Minor Permit Revisions
June 3, 2001

Chapter 122: §122.216: Applications for Minor Permit Revisions
June 3, 2001

Chapter 122: §122.217: Procedures for Minor Permit Revisions
December 11, 2002

Chapter 122: §122.218: Minor Permit Revision Procedures for Permit Revisions Involving the Use of Economic Incentives, Marketable Permits, and Emissions Trading
June 3, 2001
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      Chapter 2: Emissions Inventories (No change)
      Chapter 3: Progress Toward Meeting Target Emissions Levels (No change)
      Chapter 4: Control Measures to Achieve Target Emissions Levels
      Chapter 5: Motor Vehicle Emissions Budget (No change)
      Chapter 6: Ongoing Initiatives (No change)
   2. Houston-Galveston-Brazoria (No change)
   3. Beaumont-Port Arthur (No change)
   4. El Paso (No change)
   5. Regional Strategies (No change)
   6. Northeast Texas (No change)
   7. Austin Area (No change)
   8. San Antonio Area (No change)
   9. Victoria Area (No change)

C. Particulate Matter (No change)

D. Carbon Monoxide (No change)

E. Lead (No change)

F. Oxides of Nitrogen (No change)

G. Sulfur Dioxide (No change)

H. Conformity with the National Ambient Air Quality Standards (No change)

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LIST OF ACRONYMS

ACT alternative control techniques
AD attainment demonstration
BACT best available control technology
CTG control techniques guidelines
DFW Dallas-Fort Worth
EPA United States Environmental Protection Agency
FCAA Federal Clean Air Act
MACT maximum achievable control technology
NAAQS National Ambient Air Quality Standard
NO\textsubscript{x} nitrogen oxides
NSR new source review
ppb parts per billion
ppm parts per million
RACM reasonably available control measures
RACT reasonably available control technology
SIP State Implementation Plan
TAC Texas Administrative Code
TACB Texas Air Control Board
TCAA Texas Clean Air Act
TCEQ Texas Commission on Environmental Quality (commission)
TNRCC Texas Natural Resource Conservation Commission
tpy tons per year
VOC volatile organic compounds
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1.2.1 One-Hour National Ambient Air Quality Standard (NAAQS) History (No Change)

1.2.2 1997 Eight-Hour Ozone NAAQS History (No Change)

1.2.3 2008 Eight-Hour Ozone NAAQS (No Change)

1.2.4 AD SIP Revision for the 2008 Ozone NAAQS (No Change)

1.2.5 AD SIP Revision for 2008 Ozone NAAQS for the 2017 Attainment Year (No Change)

1.2.6 DFW RACT Update SIP Revision

On July 10, 2015, the Texas Commission on Environmental Quality (TCEQ) submitted a state implementation plan (SIP) revision that included reasonably available control technology (RACT) determinations for sources in the DFW 2008 ozone nonattainment area. After the submittal, in discussions with TCEQ staff, the United States Environmental Protection Agency (EPA) Region 6 stated they could not approve the TCEQ’s nitrogen oxides (NOx) RACT determination for Kiln No. 5 at the TXI Operations, LP (TXI) Portland cement kiln facility located in Ellis County. However, EPA Region 6 indicated that if the TCEQ acted to make the 1.95 pounds (lb) of NOx per ton of clinker emission limit contained in TXI’s new source review (NSR) permit (Permit No. 1360A) directly enforceable under the SIP via an enforceable mechanism such as a voluntary agreed order or rule, it could be considered by the EPA as satisfying RACT.

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This SIP revision satisfies the EPA’s conditional approval of NOx RACT for the DFW 2008 ozone nonattainment area through voluntary Agreed Order No. 2017-1648-SIP that incorporates certain permit conditions for the TXI cement manufacturing plant in Ellis County to limit NOx emissions for Kiln No. 5 to 1.95 lb of NOx per ton of clinker. The TCEQ will submit this DFW RACT Update SIP revision to the EPA by no later than October 23, 2018.

1.2.7 Existing Ozone Control Strategies (No Change)

1.3 HEALTH EFFECTS (NO CHANGE)

1.4 STAKEHOLDER PARTICIPATION (NO CHANGE)
1.5 PUBLIC HEARING INFORMATION
The commission offered a public hearing for this DFW RACT Update SIP Revision on May 10, 2018 at 2:00 p.m. in the Arlington Municipal Building, City Council Chamber. The public hearing was not opened because there were no attendees who signed in to speak. Notice of the public hearing was published in the Texas Register as well as the Dallas Morning News and Midlothian Mirror.

The public comment period opened on April 6, 2018, and closed on May 11, 2018. Written comments were accepted via mail, fax, or through the eComments (https://www6.tceq.texas.gov/rules/ecomments/) system. During the comment period, staff received comments from the EPA. A summary of the comments and the TCEQ’s response is provided as part of this SIP revision in the Response to Comments.

An electronic version of the DFW RACT Update SIP Revision and appendices can be found at the TCEQ’s Dallas-Fort Worth: Latest Ozone Planning Activities webpage (https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone).

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4.5 RACT ANALYSIS

4.5.1 General Discussion

Nonattainment areas classified as moderate and above are required to meet the mandates of the Federal Clean Air Act (FCAA) under §172(c)(1) and §182(b)(2) and (f). According to the United States Environmental Protection Agency’s (EPA) 2008 eight-hour ozone state implementation plan (SIP) requirements rule (80 Federal Register (FR) 12264), states containing areas classified as moderate ozone nonattainment or higher must submit a SIP revision to fulfill the reasonably available control technology (RACT) requirements for all control techniques guidelines (CTG) emission source categories and all non-CTG major sources of nitrogen oxides (NOₓ) and volatile organic compounds (VOC), and this SIP revision must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that there are no sources in the nonattainment area covered by a specific CTG source category. The major source threshold for moderate ozone nonattainment areas is a potential to emit 100 tons per year (tpy) or more of either NOₓ or VOC. The 100 tpy major source threshold applies in Wise County. A 50 tpy major source threshold is retained for the remaining nine counties, which were classified as a serious nonattainment area under the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS). On November 8, 2016, the EPA published its final approval of the Dallas-Fort Worth (DFW) area redesignation substitute for the one-hour ozone and 1997 eight-hour ozone NAAQS (81 FR 78688). The effective date of the rule was December 8, 2016.

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). RACT requirements for moderate and higher classification ozone nonattainment areas are included in the FCAA to assure that significant source categories at major sources of ozone precursor emissions are controlled to a reasonable extent, but not necessarily to best available control technology (BACT) levels expected of new sources or to maximum achievable control technology (MACT) levels required for major sources of hazardous air pollutants.

While RACT and reasonably available control measures (RACM) have similar consideration factors like technological and economic feasibility, there is a significant distinction between RACT and RACM. A control measure must advance attainment of the area towards the meeting the NAAQS for that measure to be considered RACM. Advancing attainment of the area is not a factor of consideration when evaluating RACT because the benefit of implementing RACT is presumed under the FCAA.
In 2008, the EPA approved the DFW NOx rules in 30 Texas Administrative Code (TAC) Chapter 117 (73 FR 73562). In 2009, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 and NOx rules for cement kilns in 30 TAC Chapter 117 as meeting the FCAA RACT requirements (74 FR 1903 and 74 FR 1927). In 2014, the EPA approved the 30 TAC Chapter 115 rules for VOC storage tanks as meeting the FCAA RACT requirements (79 FR 53299). State regulations in Chapter 115 that implement the controls recommended in CTG or alternative control techniques (ACT) documents or that implement equivalent or superior emission control strategies were determined to fulfill RACT requirements for any CTG or ACT documents issued prior to 2006 for the nine-county DFW 1997 eight-hour ozone nonattainment area.

The EPA issued 11 CTG documents between 2006 and 2008 with recommendations for VOC controls on a variety of consumer and commercial products. The RACT analysis included in the DFW Attainment Demonstration (AD) SIP revision for the 1997 Eight-Hour Ozone Standard adopted on March 10, 2010 addressed the following three CTG documents:

- Flat Wood Paneling Coatings, Group II issued in 2006;
- Offset Lithographic and Letterpress Printing, Group II issued in 2006; and

The RACT analysis included in the DFW AD SIP Revision for the 1997 Eight-Hour Ozone Standard adopted on December 7, 2011 addressed the remaining eight CTG documents:

- Flexible Packaging Printing Materials, Group II issued in 2006;
- Industrial Cleaning Solvents, Group II issued in 2006;
- Large Appliance Coatings, Group III issued in 2007;
- Metal Furniture Coatings, Group III issued in 2007;
- Paper, Film, and Foil Coatings, Group III issued in 2007;
- Miscellaneous Industrial Adhesives, Group IV issued in 2008;
- Miscellaneous Metal and Plastic Parts Coatings, Group IV issued in 2008; and
- Auto and Light-Duty Truck Assembly Coatings, Group IV issued in 2008.

In 2014, the EPA approved the 30 TAC Chapter 115 rules for offset lithographic printing as meeting the FCAA RACT requirements (79 FR 45105). In 2015, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 addressing the remaining CTGs issued between 2006 and 2008, in addition to approving the DFW RACT analysis as meeting the FCAA RACT requirements for all affected VOC and NOx sources under the 1997 eight-hour ozone NAAQS (80 FR 16291).

TCEQ rules that are consistent with or more stringent than controls implemented in other ozone nonattainment areas were also determined to fulfill RACT requirements. Federally approved state rules and rule approval dates can be found in 40 Code of Federal Regulations §52.2270(c), EPA Approved Regulations in the Texas SIP. Emission sources subject to the more stringent BACT or MACT requirements were determined to also fulfill RACT requirements.

The Texas Commission on Environmental Quality (TCEQ) reviewed the emission sources in the DFW ozone nonattainment area and the applicable TCEQ rules to verify
that all CTG or ACT emission source categories and non-CTG or non-ACT major emission sources in the DFW ozone nonattainment area were subject to requirements that meet or exceed the applicable RACT requirements, or that further emission controls on the sources were either not economically feasible or not technologically feasible. Additional detail can be found in Appendix F: RACT Analysis of this DFW RACT Update SIP revision.

On September 22, 2017, the EPA published its conditional approval of revisions to the Texas SIP for NOX RACT for the TXI Operations, LP (TXI) cement manufacturing plant in Ellis County, and full approval of revisions addressing NOX RACT for all other affected sources in the DFW 2008 eight-hour ozone nonattainment area (82 FR 44320). On December 21, 2017, the EPA published its final approval of VOC RACT and negative declarations for the DFW 2008 eight-hour ozone standard nonattainment area (82 FR 60546).

4.5.2 NOX RACT Determination
The Chapter 117 rules represent one of the most comprehensive NOX control strategies in the nation. The NOX controls and reductions implemented through Chapter 117 for the ten-county DFW ozone nonattainment area encompass both RACT and beyond-RACT levels of control for the 2008 eight-hour ozone standard. The current EPA-approved Chapter 117 rules continue to fulfill RACT requirements for the 2008 eight-hour ozone standard for ACT NOX source categories that exist in the DFW nonattainment area under the 2008 eight-hour ozone NAAQS. As part of the DFW 2008 Eight-Hour Ozone NAAQS AD SIP revision, the TCEQ conducted its RACT analysis for NOX major sources. The Chapter 117 rules are not being affected by this RACT analysis update and the Chapter 117 rules regarding cement kilns continue to apply to the TXI Portland cement manufacturing plant in Ellis County. However, RACT for the TXI Cement Kiln No. 5 is fulfilled by the voluntary Agreed Order (Non-Rule Project No. 2018-010-SIP-NR) rather than the Chapter 117 rules.

For major NOX emission sources for which NOX controls are technologically and economically feasible, RACT is fulfilled by existing source-specific rules in Chapter 117, and other federally enforceable measures. Additional NOX controls on certain major sources were determined to be either not economically feasible or not technologically feasible. Table F-4: State Rules Addressing NOX RACT Requirements for Major Emission Sources in the Nine-County DFW Area in Appendix F provides additional detail on the major emission sources, and has been updated to include the voluntary agreed order as part of the analysis for TXI.

4.5.2.1 Wise County Major Sources (No Change)
4.5.2.2 Wood Fired Boilers (No Change)
4.5.2.3 Cement Kilns
The cement kilns located in Ellis County are subject to the requirements of Chapter 117, Subchapter E, Division 2, and in 2009, the EPA approved these rules as meeting the FCAA RACT requirements for these sources for the 1997 eight-hour ozone NAAQS (74 FR 1927). Three companies currently operate four kilns in Ellis County: Ash Grove Cement Company, Holcim U.S., Inc, and TXI. On September 22, 2017, the EPA published conditional approval of revisions to the NOX RACT for the TXI Portland cement
manufacturing plant in Ellis County, and full approval of revisions addressing the NO₃ RACT for all other affected sources in the DFW 2008 eight-hour ozone nonattainment area (82 FR 44320). For Ash Grove, RACT is fulfilled with the 1.5 pounds (lb) of NO₃ per ton of clinker emission standards in the New Source Performance Standards for Portland Cement Plants. For Holcim, the current §117.3123 source cap of 5.3 tpd NO₃ fulfills RACT, as previously approved by the EPA. For TXI, the conditional approval is based on a commitment to submit specific enforceable measures (i.e., an agreed order or rule) that incorporate certain permit conditions for the TXI cement manufacturing plant to limit NOₓ emissions to 1.95 lb of NOₓ per ton of clinker.

In response to the EPA’s conditional approval of NOₓ RACT for TXI, the permitted emission limit of 1.95 lb of NOₓ per ton of clinker is RACT in this SIP revision and is enforceable through the voluntary agreed order between the TCEQ and TXI (see Appendix I: Agreed Order). The voluntary agreed order also establishes the monitoring, recordkeeping, and averaging time requirements for demonstrating compliance with the 1.95 lb of NOₓ per ton of clinker limit.

4.6 RACM ANALYSIS (NO CHANGE)

4.7 MVEB (NO CHANGE)

4.8 MONITORING NETWORK (NO CHANGE)

4.9 CONTINGENCY PLAN (NO CHANGE)

4.10 EMISSION STATEMENT PROGRAM

On August 26, 1994, the EPA published proposed approval and a direct final approval of a revision to the Texas SIP that included revisions to 30 TAC §101.10: Emissions Inventory Requirements and implemented an emission statement program for stationary sources within ozone nonattainment areas (59 FR 44036). The effective date for the direct final approval was October 25, 1994. Approval of this DFW RACT Update SIP Revision satisfies FCAA, §182 requirements and EPA's Guidance on the Implementation of an Emission Statement Program (July 1992).

4.11 REFERENCES (NO CHANGE)
CHAPTER 5: WEIGHT OF EVIDENCE (NO CHANGE)
CHAPTER 6: ONGOING INITIATIVES (NO CHANGE)
Appendices available upon request.

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APPENDIX F

REASONABLY AVAILABLE CONTROL TECHNOLOGY ANALYSIS

2017-001-SIP-NR

Adoption
August 8, 2018
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      3.2.1. Chapter 117 NOx Rules (Updated)
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2. RACT EVALUATION APPROACH (NO CHANGE)
   2.1. General Discussion (No Change)
   2.2. Identification of CTG and Non-CTG Emission Sources (No Change)
   2.3. Determining if State Regulations Fulfill RACT Requirements (No Change)

3. RACT DETERMINATION AND DISCUSSION (UPDATED)
   3.1. General Discussion (Updated)

Under the current state rules, the DFW area is subject to some of the most stringent NOX and VOC emission control requirements in the country and for many source categories the existing rules are more stringent than recommended RACT standards for those categories. The EPA previously approved the VOC RACT analysis as submitted in the May 2007 DFW Eight-Hour Ozone Attainment Demonstration SIP Revision (74 FR 1903, January 14, 2009). The analysis demonstrated all CTG emission source categories addressed by CTG documents issued prior to 2006 and all major VOC emission sources in the DFW area were subject to rules in 30 TAC Chapter 115, or other federally enforceable measures, that meet or exceed the applicable RACT requirements, or that further emission controls on the sources were either not technologically or economically feasible. In 2014, the EPA approved the 30 TAC Chapter 115 rules for offset lithographic printing and VOC storage tanks as meeting the FCAA RACT requirements (79 FR 45105 and 79 FR 53299). In 2015, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 addressing the remaining CTGs issued between 2006 and 2008, in addition to approving the DFW RACT analysis as meeting the FCAA RACT requirements for all affected VOC and NOX sources under the 1997 eight-hour ozone NAAQS (80 FR 16291).

On September 22, 2017, the EPA published its conditional approval of revisions to the Texas SIP for NOx RACT for the TXI Operations, LP (TXI) cement manufacturing plant in Ellis County, and full approval of revisions addressing NOx RACT for all other affected sources in the DFW 2008 eight-hour ozone nonattainment area (82 FR 44320). The conditional approval is based on a commitment to submit specific enforceable measures (i.e., an agreed order or rule) that incorporate certain permit conditions for the TXI cement manufacturing plant to limit NOx emissions to 1.95 pounds (lb) of NOx per ton of clinker. On December 21, 2017, the EPA published its final approval of VOC RACT and negative declarations for the DFW 2008 eight-hour ozone standard nonattainment area (82 FR 60546).

Table F-1: State Rules Addressing NOx RACT Requirements in ACT Reference Documents provides the emission source categories, the ACT reference documents, and the state rules addressing the RACT requirements for sources in the NOx ACT documents. This table is being updated to include a footnote regarding the RACT determinations for Ash Grove Cement Company and TXI.

Tables F-2 through F-3 and F-5 through F-7 are not being updated and therefore are not included as part of this RACT analysis update. The tables can be found in Appendix F of the DFW 2008 Eight-Hour Ozone NAAQS Attainment Demonstration SIP revision (2015-014-SIP-NR).
Table F-4: State Rules Addressing NOx RACT Requirements for Major Emission Sources in the Nine-County DFW Area lists the major stationary emission sources with actual or potential NOx emissions exceeding the PTE 50 tpy major source threshold in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties. This table is being updated to include the voluntary agreed order between the TCEQ and TXI.

The major source tables provide the emission source regulated entity number (RN), account number, company name, county, standard industrial classification (SIC) code, a brief description of the source, and the reported annual emissions (in tpy). The tables also include either the state rules satisfying the RACT requirements, the permit requirements that limit emissions, or the reasoned justification for why controlling the emissions is not considered RACT.

3.2. NOx RACT Determination (Updated)

3.2.1. Chapter 117 NOx Rules (Updated)

The Chapter 117 rules represent one of the most comprehensive NOx control strategies in the nation. The NOx controls and reductions implemented through Chapter 117 for the ten-county DFW ozone nonattainment area encompass both RACT and beyond-RACT levels of control for the 2008 eight-hour ozone standard. The current EPA-approved Chapter 117 rules continue to fulfill RACT requirements for ACT NOx source categories that exist in the DFW nonattainment area under the 2008 eight-hour ozone NAAQS. As part of the DFW 2008 Eight-Hour Ozone NAAQS Attainment Demonstration SIP revision, the TCEQ conducted its RACT analysis for NOx major sources. The Chapter 117 rules are not being affected by this RACT analysis update and the Chapter 117 rules regarding cement kilns continue to apply to the TXI Portland cement manufacturing plant in Ellis County. However, RACT for the TXI Cement Kiln No. 5 is fulfilled by the voluntary Agreed Order (Docket No. 2017-1648-SIP) rather than the Chapter 117 rules.

3.2.1.1. Wise County Major Sources (No Change)

3.2.1.2. Wood-Fired Boilers (No Change)

3.2.1.3. Ellis County Cement Kilns (Updated)

The cement kilns located in Ellis County are subject to the requirements of Chapter 117, Subchapter E, Division 2, and in 2009, the EPA approved these rules as meeting the FCAA RACT requirements for these sources (74 FR 1927). Three companies currently operate four kilns in Ellis County: Ash Grove Cement Company (Ash Grove), Holcim U.S., Inc (Holcim), and TXI.

Ash Grove operated three kilns in Ellis County. However, a 2013 consent decree\(^1\) with the EPA required by September 10, 2014 shutdown of two kilns and reconstruction of Kiln No. 3 with selective noncatalytic reduction (SNCR) with an emission limit of 1.5 lb of NOx per ton of clinker and a 12-month rolling tonnage limit for NOx of 975 tpy. The reconstructed kiln is a dry kiln with year-round SNCR operation and is subject to the 1.5 lb of NOx per ton of clinker emission standards in the New Source Performance Standards (NSPS) for Portland Cement Plants. The TCEQ has the delegated authority to enforce this standard through the agency’s general NSPS delegation and the NSPS

\(^1\) http://www2.epa.gov/sites/production/files/documents/ashgrove-cd.pdf
satisfies RACT for Ash Grove. Holcim U.S., Inc. currently has two dry PH/PC kilns equipped with SNCR. The current §117.3123 source cap of 5.3 tpd NO\(_x\) for Holcim satisfies RACT, as previously approved by the EPA. The EPA approved the RACT determinations for Ash Grove Cement Company (Ash Grove) and Holcim published on September 22, 2017 (82 FR 44320), effective October 23, 2017.

TXI currently operates one dry preheater/precalcer (PH/PC) kiln (TXI No. 5). The permitted capacity of this kiln is 2,800,000 tons of clinker per year, and it has a permitted emissions limit of 1.95 lb of NO\(_x\) per ton of clinker. Based on these permit limits, this kiln is therefore limited to a maximum of 7.48 tpd NO\(_x\), compared to the current §117.3123 source cap of 7.9 tpd NO\(_x\). The EPA published its final conditional approval of the NO\(_x\) RACT determination for the TXI Portland cement kiln facility of 1.95 lb of NO\(_x\) per ton of clinker on September 22, 2017 (82 FR 44320). The conditional approval is predicated on the incorporation into the Texas SIP of a voluntary agreed order between TXI and the TCEQ. RACT for TXI Kiln No. 5 is fulfilled by the voluntary agreed in this SIP Revision. This voluntary agreed order makes the 1.95 lb of NO\(_x\) per ton of clinker permitted emissions factor federally enforceable and not eligible for revision without a federally approved revision to this RACT analysis.

3.3. VOC RACT Determination (No Change)
3.3.1. Chapter 115 VOC RACT Rules (No Change)
3.3.1.1. Wise County CTG and non-CTG Major Source RACT (No Change)
Table F-1: State Rules Addressing NO\textsubscript{x} RACT Requirements in ACT Reference Documents (Updated)

<table>
<thead>
<tr>
<th>Emission Source Category</th>
<th>ACT Reference Document</th>
<th>State Regulations Fulfilling RACT Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cement Manufacturing</td>
<td>NO\textsubscript{x} Emissions from Cement Manufacturing (EPA-453/R-94-004, March 1994) and NO\textsubscript{x} Control Technologies for the Cement Industry: Final Report (EPA-457/R-00-002, September 2000)</td>
<td>§117.3100 – §117.3145*</td>
</tr>
<tr>
<td>Glass Manufacturing</td>
<td>NO\textsubscript{x} Emissions from Glass Manufacturing (EPA-453/R-94-037, June 1994)</td>
<td>§117.400 – §117.456</td>
</tr>
<tr>
<td>Industrial, Commercial, and Institutional Boilers</td>
<td>NO\textsubscript{x} Emissions from Industrial, Commercial and Institutional Boilers (EPA-453/R-94-022, March 1994)</td>
<td>§117.400 – §117.456 Rule Project No. 2013-049-117-Al</td>
</tr>
<tr>
<td>Iron and Steel Mills</td>
<td>NO\textsubscript{x} Emissions from Iron and Steel Mills (EPA-453/R-94-065, September 1994)</td>
<td>§117.400 – §117.456</td>
</tr>
<tr>
<td>Nitric and Adipic Acid Manufacturing</td>
<td>NO\textsubscript{x} Emissions from Nitric and Adipic Acid Manufacturing Plants (EPA-453/3-91-026, December 1991)</td>
<td>No existing nitric or adipic acid manufacturing plants in DFW area.</td>
</tr>
<tr>
<td>Stationary Turbines</td>
<td>NO\textsubscript{x} Emissions from Stationary Combustion Turbines (EPA-453/R-93-007, January 1993)</td>
<td>§117.400 – §117.456 Rule Project No. 2013-049-117-Al</td>
</tr>
<tr>
<td>Utility Boilers</td>
<td>NO\textsubscript{x} Emissions from Utility Boilers (EPA-453/R-94-023, March 1994)</td>
<td>§117.1300 – §117.1356</td>
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</tbody>
</table>

*The Chapter 117 cement manufacturing rules continue to fulfill RACT for Holcim Texas LP. These rules continue to apply to the TXI Operations LP and Ash Grove Cement Company cement manufacturing plants in Ellis County. However, RACT for TXI Kiln No. 5 is fulfilled by the Voluntary Agreed Order (2017-1648-SIP) and RACT for Ash Grove Kiln No. 3 is fulfilled by the NSPS for Portland Cement Plants.*
Table F-2: State Rules Addressing VOC RACT Requirements in CTG Reference Documents (No Change)
Table F-3: State Rules Addressing VOC RACT Requirements in ACT Reference Documents (No Change)
Table F-4: State Rules Addressing NO\textsubscript{x} RACT Requirements for Major Emission Sources in the Nine-County DFW Area (Updated)

<table>
<thead>
<tr>
<th>RN</th>
<th>Account</th>
<th>Company</th>
<th>County</th>
<th>SIC</th>
<th>SIC Description</th>
<th>2012 Actual tpy</th>
<th>Rules Addressing RACT</th>
<th>Notes</th>
</tr>
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<tbody>
<tr>
<td>RN100218643</td>
<td>CP0029G</td>
<td>Exide Technologies</td>
<td>Collin</td>
<td>3341</td>
<td>Secondary Nonferrous Metals</td>
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<td>§117.400 – §117.456</td>
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<td>RN100219203</td>
<td>CP0026M</td>
<td>City of Garland Power and Light</td>
<td>Collin</td>
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<td>Electric Services</td>
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<td>§117.1300 – §117.1356</td>
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<td>RN100218080</td>
<td>DB1073N</td>
<td>Dal Tile Corporation</td>
<td>Dallas</td>
<td>3253</td>
<td>Ceramic Wall and Floor Tile</td>
<td>71.4</td>
<td>§117.400 – §117.456</td>
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<td>RN100219963</td>
<td>DB1494I</td>
<td>Solar Turbines Inc</td>
<td>Dallas</td>
<td>3511</td>
<td>Turbines and Turbine Generator</td>
<td>73.4</td>
<td>NA</td>
<td>Engine testing, turbine. Additional control of NO\textsubscript{x} emissions not technologically feasible.</td>
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<tr>
<td>RN100225291</td>
<td>DB0632E</td>
<td>Owens Corning Roofing and Asphalt LLC</td>
<td>Dallas</td>
<td>2952</td>
<td>Asphalt Felts and Coatings</td>
<td>34.5</td>
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<td>RN100654581</td>
<td>DB0087J</td>
<td>Baylor University Medical Center</td>
<td>Dallas</td>
<td>8062</td>
<td>General Medical and Surgical Hospitals</td>
<td>17.2</td>
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<td>RN100658467</td>
<td>DB1974M</td>
<td>U.S. Department of Veterans Affairs</td>
<td>Dallas</td>
<td>4961</td>
<td>Steam and Air Conditioning Supply</td>
<td>9.0</td>
<td>§117.400 – §117.456</td>
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<td>SIC</td>
<td>SIC Description</td>
<td>2012 Actual tpy</td>
<td>Rules Addressing RACT</td>
<td>Notes</td>
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<td>Luminant Generation Co LLC</td>
<td>Dallas</td>
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<td>Triumph Aerostructures LLC</td>
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<td>DB0820B</td>
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<td>Dallas</td>
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<td>Semiconductors and Related Devices</td>
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<td>RN100216225</td>
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<td>Texas Aero Engine Service LLC</td>
<td>Denton</td>
<td>4581</td>
<td>Airports, Flying Fields, Service</td>
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<td>NA</td>
<td>Engine testing, aircraft. Additional control of NOx emissions not technologically feasible. FCAA prohibition regarding jet engine test cells.</td>
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<td>RN100542257</td>
<td>DF0223E</td>
<td>Waste Management of North Texas</td>
<td>Denton</td>
<td>4953</td>
<td>Refuse Systems</td>
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<td>$117.400 – $117.456</td>
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<td>RN</td>
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<td>RN102934692</td>
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<td>Devon Gas Services LP</td>
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<td>ED0347N</td>
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Table F-5: State Rules Addressing NOx RACT Requirements for Major Emission Sources in Wise County (No Change)
Table F-6: State Rules Addressing VOC RACT Requirements for Major Emission Sources in the Nine-County DFW Area (No Change)
Table F-7: State Rules Addressing VOC RACT Requirements for Major Emission Sources in Wise County (No Change)
ADDENDUM

TXI OPERATIONS LP Letter
May 24, 2018

Terry Salem
MC 173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-308
Via Email: terry.salem@tceq.texas.gov

Re: SIP project number 2017-001-SIP-NR

Dear Terry:

As you know, my firm represents Martin Marietta Materials, Inc. and TXI Operations, LP. I am writing to confirm that Martin Marietta Materials, Inc. is the ultimate corporate parent of TXI Operations, LP. TXI Operations, LP remains the entity permitted under NSR Permit No. 1360A (PSDTX632M1), and is the appropriate entity identified in SIP project number 2017-001-SIP-NR and the related Agreed Order. Please let me know if you have any further questions.

Sincerely,

Chris Smith
APPENDIX I

AGREED ORDER

DOCKET NO. 2017-1648-SIP

August 2018
AGREED ORDER
DOCKET NO. 2017-1648-SIP

The Texas Commission on Environmental Quality (Commission or TCEQ) and TXI Operations, LP (TXI or the Company) enter into this voluntary Agreed Order for the purpose of establishing the state and federally enforceable applicable nitrogen oxide (NOx) emission limit for Kiln No. 5 located at the Company site in Midlothian, Ellis County, Texas that will meet the requirements of the Federal Clean Air Act (FCAA) for NOx, reasonably available control technology (RACT) for the Dallas-Fort Worth (DFW) 2008 8-hour ozone nonattainment area. For areas designated nonattainment for the ozone National Ambient Air Quality Standard (NAAQS), sections 182(b)(2)(A) and (B) of the FCAA require that states ensure that RACT is in place for each source category for which the U.S. Environmental Protection Agency (EPA) has issued a control techniques guideline (CTG), and for any major source not covered by a CTG.

The Executive Director of the Commission (the Executive Director) and the Company have agreed on the NOx emission limitation specified herein to fulfill a FCAA NOx RACT requirement for the 2008 8-hour ozone NAAQS, and to the submission of this Agreed Order to the EPA as a State Implementation Plan (SIP) revision, subject to the approval of the Commission.

The Commission hereby orders the Company, and the Company agrees, that it shall comply with the requirements herein regarding the control of NOx, from the facility referenced below, pursuant to §§382.011, 382.012, 382.023, 382.024, and 382.025 of the Texas Clean Air Act (TCAA or the Act), Texas Health & Safety Code, Chapter 382, and the Federal Clean Air Act (FCAA), 42 U.S.C. §7401 et seq., for the purpose of revising the Texas SIP for Ozone Control.
I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. Section 110 of the FCAA, 42 U.S.C. §7410, et seq., requires Texas to submit SIP revisions to the EPA for approval and to demonstrate that such SIP revisions provide for protection of the NAAQS.

2. Section 171 of the FCAA, 42 U.S.C. §7501, requires that all SIPs contain nonattainment plans for areas designated nonattainment for any NAAQS.

3. Section 172 of the FCAA, 42 U.S.C. §7502, requires that all nonattainment plans include provisions requiring reductions in emissions from existing sources in the area from the application of RACT.

4. Sections 182(b)(2)(A) and (B) of the FCAA, 42 U.S.C. §§7511a(b)(2)(A) and (B) require that states ensure that RACT is in place for each source category for which EPA has issued a CTG and for any major source not covered by a CTG.

5. Sections 382.011 and 382.012 of the TCAA provide authority for the Commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; and §§382.023, 382.024, and 382.025 of the TCAA provide the Commission with authority to issue orders. The issuance of this Agreed Order complies with the TCAA.

6. The Commission and the Company agree that the Commission has jurisdiction to enter this Agreed Order and the Company is subject to the Commission's jurisdiction.

7. The Commission and the Company acknowledge that the Company is entering into this Agreed Order voluntarily, and not as the result of any enforcement action. This Agreed Order makes no findings regarding Company compliance or non-compliance, and nothing in this Agreed Order shall be interpreted as evidence that the Company is either in compliance or is in any respect non-compliant with any federal, state, or local law, or is causing or contributing to a violation of the NAAQS. This Agreed Order shall not be considered as part of the Company's compliance history under 30 T.A.C. Chapter 60 or the Commission's Penalty Policy.

8. Nothing in this Agreed Order supersedes any requirement of the TCAA or the rules and requirements of the Commission, except as explicitly provided herein.

9. The DFW area, which includes Ellis County, was designated nonattainment for the 2008 8-hour ozone NAAQS and classified as moderate by the EPA effective on July 20, 2012 as published in the Federal Register on May 21, 2012, 77 Fed. Reg. 30088.
10. Based on the moderate classification of the DFW area for the 2008 8-hour ozone NAAQS, under FCAA, §182(b), a major stationary source is one that emits, or has the potential to emit, 100 tons per year (tpy) or more of volatile organic compounds (VOCs) or NOx.


12. The plant consists of one or more sources as defined in TCAA, §382.003(12), including Kiln No. 5, which is a dry preheater/precalcer cement kiln.

13. Kiln No. 5 is a major source of air emissions, with a potential to emit greater than 100 tpy of VOC or NOx.

14. Kiln No. 5 is authorized to emit air contaminants as specified in new source review (NSR) permit 1360A (PSDTX632M1), as issued by the TCEQ on December 7, 2015. Unless otherwise specified, all references in this Agreed Order to NSR permit 1360A (PSDTX632M1) refer to the version of that permit issued on December 7, 2015.

15. NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1) authorizes Kiln No. 5 to emit 1.95 lb NOx/ton of clinker on a 30-day rolling average.

16. The Kiln No. 5 NOx CEMS is subject to the provisions in 30 TAC § 117.3140(b), which specifies compliance with 40 CFR Part 60 as follows: § 60.13; Appendix B, Performance Specification 2, for NOx; and audits in accordance with Section 5.1 of Appendix F, quality assurance procedures, except that a cylinder gas audit or relative accuracy audit may be performed in lieu of the annual relative accuracy test audit. The Kiln No. 5 stack exhaust flow rate is subject to the provisions in 30 TAC § 117.3142(a)(2), which requires monitoring with a flow meter subject to 40 CFR Part 60, Appendix B, Performance Specification 6 or 40 CFR Part 75, Appendix A. The Company monitors and records clinker production rates, in tons per hour, tons per day, daily summed on a 30-day rolling basis, and monthly summed on a 12-month rolling basis. Hourly and daily clinker production rates may be based on the previous month's feed-to-clinker ratio multiplied by the measured hourly/daily kiln feed rate, as specified in 40 CFR Subpart F, § 60.63(b). Records in units of lb NOx/ton of clinker produced are maintained on a 30-day rolling average.

17. On July 19, 2017, EPA published in the Federal Register, 82 Fed. Reg. 33026, a proposed conditional approval of NOx RACT for the Company's Portland cement manufacturing plant in Ellis County, conditioned upon the Company and the Commission agreeing to incorporate NOx RACT for the Company's Kiln No. 5 as the 1.95 lb NOx/ton of clinker on a 30-day rolling average limit set forth NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1) into the Texas SIP by one year after the effective date of a final conditional approval. On September 22, 2017, EPA published in the Federal Register, 82 Fed. Reg. 44320, its final conditional approval of NOx RACT for the Company's Portland cement manufacturing plant in Ellis County.
18. The Company and the Commission agree that effective upon the approval of this Agreed Order by the Commission, NO\textsubscript{x} RACT required for the 2008 8-Hour ozone NAAQS for the Company's Kiln No. 5 will be the 1.95 lb NO\textsubscript{x}/ton of clinker, 30-day rolling average, limit set forth in NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1), and as clarified in future revisions to the NSR permit as specified in this Agreed Order.

19. The Company and the Commission further agree that the 1.95 lb NO\textsubscript{x}/ton of clinker, 30-day rolling average set forth in NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1) may not be modified to be greater than 1.95 lb NO\textsubscript{x}/ton of clinker, 30-day rolling average, without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions.

20. This Agreed Order does not authorize or prohibit any modification of the facility listed above, as long as such modification does not conflict with provision II.2 of this Agreed Order. The Company is ordered to submit the appropriate application or registration documentation to the TCEQ for any authorization, if any, necessary to implement the requirements of this Agreed Order. This Agreed Order does not prohibit the non-substantive renumbering or reorganization of the provisions of NSR permit 1360A (PSDTX632M1).

II. ORDER

In accordance with the Stipulations noted above, it is therefore ordered by the Commission that:

1. NO\textsubscript{x} RACT for the Company's cement manufacturing plant Kiln No. 5 under the 2008 8-Hour ozone NAAQS is the 1.95 lb NO\textsubscript{x}/ton of clinker, 30-day rolling average limit set forth in NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1). The Company shall continue to comply with Special Condition 3.A.(1) of NSR permit 1360A (PSDTX632M1), and shall not modify such emission limit to be greater than 1.95 lb NO\textsubscript{x}/ton of clinker on a 30-day rolling average, effective upon the date of this Agreed Order, without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions.

2. The Company shall demonstrate compliance with this Order as described in subparagraphs (1) - (3) below. Additionally, the Company shall revise its NSR permit 1360A (PSDTX632M1) as described herein. The renewal date for NSR permit 1360A (PSDTX632M1) is April 20, 2019. During the renewal process for permit 1360A (PSDTX632M1), or earlier if the Company so elects, and provided that the Commission grants the renewal, the following new Special Condition shall be incorporated under the Federal Applicability section or as a separate Special Condition in NSR permit 1360A (PSDTX632M1):

   "(1) NO\textsubscript{x} RACT for Kiln No. 5 is 1.95 lb NO\textsubscript{x}/ton of clinker on a 30-day rolling average limit as set forth in Special Condition 3.A.(1) of NSR permit 1360A (PSDTX632M1), as issued by the Commission on
December 7, 2015, which limit may not be modified to be greater than 1.95 lb NO\textsubscript{x}/ton of clinker on a 30-day rolling average, without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions.

(2) Compliance with the 30-day rolling average in Special Condition 3.A.(1) shall be demonstrated by summing the hourly mass NO\textsubscript{x} emissions over the previous 30 operating days, then dividing that sum by the total clinker production during the same period. An operating day means a 24-hour period beginning at 12:00 midnight during which the kiln produces clinker at any time, but does not include the hours of operation during initial and planned maintenance activities, startup or shutdown.

(3) Hourly mass emissions of NO\textsubscript{x} from Kiln No. 5 are determined using a NO\textsubscript{x} CEMS and an exhaust flow rate monitor. The Kiln No. 5 NO\textsubscript{x} CEMS is subject to the provisions in 30 TAC § 117.3140(b), which specifies compliance with 40 CFR Part 60 as follows: § 60.13; Appendix B, Performance Specification 2, for NO\textsubscript{x}; and audits in accordance with Section 5.1 of Appendix F, quality assurance procedures, except that a cylinder gas audit or relative accuracy audit may be performed in lieu of the annual relative accuracy test audit. The Kiln No. 5 stack exhaust flow rate monitor is subject to the provisions in 30 TAC § 117.3142(a)(2), which requires monitoring with a flow meter that meets the specifications of 40 CFR Part 60, Appendix B, Performance Specification 6 or 40 CFR Part 75, Appendix A. The permittee monitors and records clinker production rates, in tons per hour, tons per day, daily summed on a 30-day rolling basis, and monthly summed on a 12-month rolling basis. Hourly and daily clinker production rates may be based on the previous month's feed-to-clinker ratio multiplied by the measured hourly/daily kiln feed rate, as specified in 40 CFR Subpart F, § 60.63(b). Records in units of lb NO\textsubscript{x}/ton of clinker produced are maintained on a 30-day rolling average as specified herein. The requirements of this paragraph shall not be modified without an approved revised RACT determination in accordance with state and federal requirements for SIP revisions. Nothing in this paragraph shall affect or prohibit the modification of monitoring and recordkeeping requirements not specified in this paragraph."

3. The Company shall make records available upon request by the TCEQ or any other air pollution control agency with jurisdiction over the Company to establish compliance with the 1.95 lb NO\textsubscript{x}/ton of clinker, 30-day rolling average limit set forth in NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1) and this Agreed Order.

4. Any violation of NSR permit 1360A (PSDTX632M1) Special Condition 3.A.(1) shall not be considered as an additional violation of this Agreed Order for
the purpose of calculating the amount of any administrative penalties assessed by the Commission.

5. The provisions of this Agreed Order shall apply to, and be binding upon, the Company, its successors, assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. The Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of the plant, located at 245 Ward Rd., Ellis County, Texas, and within ten (10) days of any such transfer, provide the TCEQ with written certification of such transfer, and that such notice has been given.

If any portion of this Agreed Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D.
Chairman
Texas Commission on Environmental Quality

For the Commission
Bryan W. Shaw, Ph.D.
Chairman
Texas Commission on Environmental Quality

Date
8-20-18
I, the undersigned, have read and understood the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

Roselyn R. Bar
Vice President and Secretary
TXI Operations, LP

[Signature]
6/14/18

Margaret Ligarde
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

[Signature]
6/21/18
ORDER ADOPTING AGREED ORDER AND REVISION TO THE STATE IMPLEMENTATION PLAN

Docket No. 2018-0040-SIP
Non-Rule Project No. 2017-001-SIP-NR
Docket No. 2017-1648-SIP
Non-Rule Project No. 2018-010-SIP-NR

On August 8, 2018 the Texas Commission on Environmental Quality (Commission), during a public meeting, considered adoption of an Agreed Order concerning TXI Operations, LP and the Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update State Implementation Plan (SIP) revision (DFW 2008 Ozone RACT Update SIP Revision). The Commission adopts the Agreed Order concerning TXI Operations, LP and the DFW 2008 Ozone RACT Update SIP Revision. The Agreed Order and the DFW 2008 Ozone RACT Update SIP Revision identified the federally enforceable emission limit for the TXI Operations, LP, Portland Cement Plant in Ellis County (Kiln Number 5) as satisfying the RACT requirement for nitrogen oxides (NOx) for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) to address the U.S. Environmental Protection Agency's final conditional approval of NOx RACT for the DFW 2008 Eight-Hour Ozone NAAQS nonattainment area. Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (West 2016), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code. Notice of the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision was published for comment in the April 20, 2018, issue of the Texas Register (43 TexReg 2482).

Pursuant to 40 Code of Federal Regulations § 51.102 and after proper notice, the Commission offered a public hearing to consider the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision. Proper notice included prominent advertisement in the area affected at least 30 days prior to the date of the hearing. A public hearing was offered in Arlington, Texas, on May 10, 2018.

The Commission circulated hearing notices of its intended action to the public, including interested persons, the Regional Administrator of the EPA, and all applicable local air pollution control agencies. The public was invited to submit data, views, and recommendations on the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision, either orally or in writing, at the hearing or during the comment period. Prior to the scheduled hearing, copies of the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision were available for public inspection at the Commission's central office and on the Commission's website.

Data, views, and recommendations of interested persons regarding the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision were submitted to the Commission during the comment period and were considered by the
Commission as reflected in the analysis of testimony incorporated by reference to this Order. The Commission finds that the analysis of testimony includes the names of all interested groups or associations offering comment on the proposed Agreed Order and DFW 2008 Ozone RACT Update SIP Revision and their position concerning the same.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Agreed Order and DFW 2008 Ozone RACT Update SIP Revision incorporated by reference to this Order are hereby adopted. The adopted Agreed Order and DFW 2008 Ozone RACT Update SIP Revision are incorporated by reference in this Order as if set forth at length verbatim in this Order.

IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Chairman should transmit a copy of this Order, together with the adopted Agreed Order and DFW 2008 Ozone RACT Update SIP Revision, to the Regional Administrator of EPA as a proposed revision to the Texas SIP pursuant to the Federal Clean Air Act, codified at 42 U.S. Code Ann. §§ 7401 - 7671q, as amended.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TExAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman

8-15-18
Date Signed