

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** June 20, 2008

Thru: LaDonna Castañuela, Chief Clerk
Mark R. Vickery, P.G., Executive Director

From: Dan Eden, Deputy Director
Office of Permitting, Remediation, and Registration

Docket No.: 2007-1808-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 106, Permits by Rule
Repeal of the Rock Crusher, Asphalt Concrete Plant and Sawmill Permits by Rule
Rule Project No. 2007-011-106-PR

Scope of the rulemaking:

This rule will repeal the permits by rule (PBRs) for rock crushers, asphalt concrete plants and sawmills, which are in §§106.142, 106.147, and 106.223, respectively.

Reasons for the rule package:

The rock crusher PBR has overly broad, general language that is difficult to enforce. The PBR for asphalt concrete plants contains language making it unavailable for use since November 1, 2003. The PBR for sawmills does not authorize a lumber drying facility, limiting its use for many sawmills. The Air Permits Division has developed new standard permits to replace the PBRs being repealed.

Statutory Authority:

Texas Water Code §§5.102, General Powers, 5.103, Rules, and 5.105, General Policy.
Texas Health and Safety Code §§382.002, Policy and Purpose, 382.011, General Powers and Duties, 382.012, State Air Control Plan, 382.017, Rules, 382.051, Permitting Authority of Commission, 382.05196, Permits by Rule, and 382.057, Exemption.

Potentially controversial matters:

Rock crushers have generated considerable interest from both the legislature and the general public. It is expected that the proposed standard permit for rock crushers and repeal of the PBR will be controversial. Neither controversy nor legislative interest is expected in the repeal of the PBR and implementation of the standard permit for sawmills or the repeal of the PBR for asphalt concrete plants.

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Public comment:

We received no comments on the proposal of this rule package.

Significant changes from proposal:

There have been no changes made to the rule as proposed.

Key points in adoption rulemaking schedule:

***Texas Register* proposal publication date:** February 15, 2008

Six-month *Texas Register* filing deadline: August 15, 2008

Anticipated *Texas Register* publication date: July 25, 2008

Anticipated effective date: July 29, 2008

Agency contacts:

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Attachments

cc: Chief Clerk, 5 copies
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