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Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

ENFORCEMENT DISCRETION

ISSUED BY: Glenn Shankle, Executive Director, Texas Commission on Environmental Quality

TO: Holders of approved Texas Low Emission Diesel Alternative Emission Reduction Plans

DATE: December 27, 2006

RE: Extension of expiration date for Alternative Emission Reductions Plans

The Texas Commission on Environmental Quality (TCEQ) has directed the Executive Director (ED) to develop a rulemaking proposal to extend the expiration date of Alternative Emission Reduction Plans (AERPs) in the Texas Low Emission Diesel (TxLED) Program from December 31, 2006 to December 31, 2007. The ED will submit a proposal for rulemaking for consideration by the Commission at the January 10, 2007 Commission Agenda. Due to administrative procedures, final action on the rule would likely not occur for at least four months.

In order to allow time for commission consideration of a rulemaking, I will exercise my enforcement discretion and not institute or prosecute any action arising from the expiration of an AERP under the current TCEQ rule 30 Tex. Admin. Code §114.318(c). This exercise of discretion will end upon either the effective date of the commission's final action on the proposed rulemaking or upon the identification of conclusive evidence that an AERP is having a significant adverse effect on air quality.

Any entity wishing to take advantage of this enforcement discretion shall file a status report by April 1, 2007, which details the amount and type of diesel which has been introduced into the TxLED market since January 1, 2007, and what steps have been taken to demonstrate compliance with the TxLED requirements without the use of the AERP that was set to expire December 31, 2006.

A handwritten signature in black ink, appearing to read "G. Shankle", written over a horizontal line.

Glenn Shankle, Executive Director