

Rule History

Title 30 Texas Administrative Code Chapter 112

Control of Sulfur Dioxide

Introduction

The official version of the rules in [30 TAC Chapter 112, Subchapter A](#) is available on the Secretary of State's website.

Each revision is identified by the rule project number, which is the unique identification number from the rules tracking database for the specific rule project. The adoption date of the rule revision is used if the rule project number is not available.

The *Texas Register* publications of the rule proposal and adoption are given for each revision. The proposed rules are approved by the commissioners to be published in the *Texas Register* for public comment. Once adopted by the commissioners, the rules are republished as final in the *Texas Register*.

These rules are part of the State Implementation Plan (SIP) control strategy to meet the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). Links to the associated SIP revisions and the *Federal Register* publication of the EPA's approval of these rules are also included.

The summary information includes the affected sections of the rule, the counties affected, the compliance date, and a brief description of the rule revisions. If the adopted rule does not provide for additional time to comply with any new or revised requirements then compliance with any rule revisions is required by the effective date of the rulemaking.

Rule Project Adopted on 07/11/2001

Rule project number 1999-011-112-AI

Proposal: [26 TexReg 3399](#) (05/04/2001)

Adoption: [26 TexReg 5671](#) (07/27/2001)

Date submitted to EPA: Not submitted

EPA approval: Not applicable

Sections affected:

- Considered: 112.1–112.9 and 112.14–112.21

Areas affected: Statewide

Compliance date: Not applicable

Summary: The rulemaking is a quadrennial review of Chapter 112, which is a required review to determine if the rules are still necessary. The Chapter 112 rules are necessary and are re-adopted. The rulemaking was not submitted to the EPA for review and approval as part of the SIP.

Rule Project Adopted on 06/25/1997

Rule project number 1996-179-112-AI

Proposal: [22 TexReg 3279](#) (04/04/1997)

Adoption: [22 TexReg 6450](#) (07/08/1997)

Date submitted to EPA: Not submitted

Sections affected:

- Amended: 112.8

Areas affected:

- Statewide, except Milam County

Compliance date: Not applicable (Effective date: 07/16/1997)

Summary:

The rulemaking repeals the more stringent SO₂ emission limit for solid fossil fuel-fired steam generators with heat input over 1,500 million British thermal units (MMBtu) per hour, which was added in the rule project adopted on 02/21/1992.

This rulemaking codifies the results of a TCEQ-required study that found additional SO₂ emission reductions would not significantly improve visibility in the DFW area ([Journal of Air and Waste Management Association](#)⁴, pages 826-834).

The 1992 rulemaking established that the more stringent limit would not apply if the study found no significant visibility improvement. Since the study found no significant improvement, these units are required to meet a less stringent SO₂ emissions limit, with the exception of Milam County.

This rulemaking was not submitted to the EPA for inclusion in the SIP. The version of section 112.8 adopted on 09/18/1992 ([17 TexReg 7085](#)) remains in the SIP.

Rule Project Adopted on 09/18/1992

Proposal: [17 TexReg 2933](#) (04/24/1992)

Adoption: [17 TexReg 7085](#) (10/09/1992)

EPA approval:

- [58 FR 45454](#) (08/30/1993) (Partial approval of sections 112.1–112.7, 112.8 except (a) and (b), 112.9, and 112.14–112.21)
- [61 FR 49685](#) (09/23/1996) (Partial approval of sections 112.8(a) and (b))
- [62 FR 7163](#) (02/18/1997) (Correction to 61 FR 49685)

Sections affected:

- New: 112.1–112.9 and 112.14–112.21
- Repealed: 112.1–112.14 and 112.16–112.20

Areas affected:

- Statewide

Compliance date: (Effective date: 10/23/1992)

- 09/30/1994 - Sections 112.5(c), 112.6(c), 112.8(d) and (e), 112.9(d) and (e)

Summary:

The rulemaking simplifies the existing rules and addresses enforceability deficiencies identified by the EPA in a [nationwide analysis of SO₂ rules](#). The rulemaking provides equations for determining emission limits; includes federal continuous emission monitoring requirements; requires EPA approval for equivalent test methods and exemptions; specifies averaging times for each emission limit; and establishes evaluation criteria for temporary fuel shortage plans.

Rule Project Adopted on 02/21/1992

Proposal: [16 TexReg 4730](#) (08/30/1991)

Adoption: [17 TexReg 1734](#) (03/06/1992)

EPA approval: Not approved. EPA approval of the 09/18/1992 rulemaking takes the place of EPA action on this rulemaking.

Sections affected:

- Amended: 112.5

Areas affected:

- Statewide, except Milam County

Compliance date: 07/31/1996 (Effective date: 03/20/1992)

Summary:

The rulemaking affects solid fossil fuel-fired steam generators with heat input over 1,500 million British thermal units (MMBtu) per hour that were not subject to federal New Source Performance Standards on 01/01/1991.

The rulemaking deletes emission limitations which have been superseded. The rulemaking also deletes a requirement to implement "proven technology" when it becomes available and requires these generators to meet a specific emission limit by 07/31/1996 or fund a study of haze in the DFW area. If the study shows that SO₂ emission reductions would significantly improve visibility in the DFW area, these sources will be required to reduce SO₂ emissions by 07/31/2000. The rulemaking also changes the title of the section.

Although the EPA never approved the revisions adopted in this rulemaking, it approved the revisions to section 112.8 adopted on 09/18/1992 ([58 FR 45454](#)), which contain the study language and a three hour heat input average.

Rule Project Adopted on 10/25/1991

Proposal: [16 TexReg 3128](#) (06/07/1991)

Adoption: [16 TexReg 7205](#) (12/13/1991)

Date submitted to EPA: Not submitted

EPA approval: Not applicable

Sections affected:

- Amended: 112.6 and 112.20

Areas affected:

- Beaumont–Port Arthur (BPA) area (Jefferson County)
- Houston-Galveston-Brazoria (HGB) area (Harris County)

Compliance date: 07/31/1993 (Effective date: 12/26/1991)

Summary:

The rulemaking limits sulfur content in liquid fuels for stationary steam generators, furnaces, and heaters, to 0.3% by weight or SO₂ emissions of 150 parts per million by volume at 20% excess air.

Sections 112.6 and 112.20 were moved to Section 112.9 in the rule project adopted on 09/18/1992. The EPA never approved the revisions adopted in this rulemaking, but approved the revisions to section 112.9 adopted on 09/18/1992 ([58 FR 45454](#)) which added a three hour averaging time. EPA approval of the 09/18/1992 rulemaking takes the place of EPA action on this rulemaking.

Rule Project Adopted on 12/14/1979

Proposal:

- [4 TexReg 2406](#) (Section 112.5) (07/06/1979)
- [4 TexReg 3766](#) (Sections 112.11–112.15) (10/16/1979)

Adoption: [5 TexReg 13](#) (01/01/1980)

EPA approval: Not approved as adopted

Sections affected:

- Amended: 112.5 (131.04.01.005) and 112.11–112.14 (131.04.01.011–015)
- Repealed: 112.15

Areas affected:

- Statewide

Compliance date: 01/01/1982 (Effective date: 01/19/1980)

Summary:

At the request of the Aluminum Company of America, the rulemaking amends SO₂ emission limits for solid fossil fuel-fired steam generators in Milam County. The relaxation of the previous emission limit is justified based on increased sulfur content in newly-opened portions of the lignite mine supplying the ongoing needs of the steam generator.

A separate rulemaking effort combined at adoption reactivates and amends temporary fuel shortage control plan requirements that expired on 01/01/1977.

The fuel shortage rules allow owners and operators a way to not comply with sections 112.6–112.9 and permit requirements for SO₂ emissions when low sulfur fuels are unavailable. A plan and annual report is required. An owner can extend a plan, but an unextended plan expires in a year, and a plan cannot allow a violation of the NAAQS for SO₂ or permits required under section 111 of the Federal Clean Air Act.

Section 112.5 was moved to section 112.8 and sections 112.11–112.14 were moved to sections 112.115–112.118.

The Federal Register publication ([58 FR 45454](#)) for rule project adopted on 09/18/1992 contains approval for all submitted amendments except amendments in section 112.8(a) and (b). The EPA fully approved these amendments on 09/23/1996 ([61 FR 49685](#)). The EPA published corrections to 61 FR 49685 in [62 FR 7163](#).

This rulemaking is part of the [Milam County SO₂ SIP Revision \(1995-003-SIP-AI\)](#) 08/23/1995.

Rule Project Adopted on 01/30/1975

Adoption: [Regulation II](#) (01/30/1975)

EPA approval: Not approved as adopted

Sections affected:

- Amended: 112.4 (Adopted as Rule 201.09)
- New: 112.14 and 112.19–112.21 (Adopted as Rules 201.16–201.19)

Areas affected:

- Statewide

Compliance date: (Effective date: 03/05/1975)

- 05/15/1975 - Nonferrous smelters

Summary:

The rulemaking allows sources constructed according to federal New Source Performance Standards and using best available control technology to exceed the SO₂ net ground level concentration if the source does not cause or contribute to an exceedance of the SO₂ NAAQS.

The rulemaking also sets SO₂ emission limits for nonferrous smelters and requires best engineering techniques to capture and vent SO₂ emissions along with operation and maintenance requirements for process and capture equipment.

The rulemaking requires continuous SO₂ monitoring on primary smelters. The rulemaking also allows a single source or group of sources to submit an area control plan in lieu of complying with the SO₂ net ground level concentration requirement. The plan must describe how the source or sources will maintain and monitor ambient SO₂ concentrations below the SO₂ NAAQS. Sources with an area control plan may not cause or contribute to an ambient SO₂ concentration exceeding 0.5 ppm more than once per year.

The content of rules 201.091 and 201.16 were amended and moved to sections 112.4 and 112.14, respectively, in the rule project adopted on 09/18/1992.

The content of rules 201.17–201.19 were amended and moved to sections 112.17–112.19 in the rule project adopted on 12/14/1979 and to sections 112.19–112.21 in the rule project adopted on 09/18/1992.

EPA approval of the revisions adopted on 09/18/1992 ([58 FR 45454](#)) takes the place of EPA action on this rulemaking.

This rulemaking is part of the [1975 Complete SIP Revision](#) (04/15/1975).

Rule Project Adopted on 12/19/1973

Adoption: [Regulation II](#) (12/19/1973)

EPA approval: The EPA did not approve sections 112.11–112.15 prior to their expiration. In the Federal Register publication [58 FR 45454](#), the EPA approved amended versions of these sections after these rules were reinstated in the rule project adopted on 12/14/1979.

Sections affected:

- Amended: 112.20 (Adopted as Rule 202)
- New: 112.11–112.15 (Adopted as Rules 201.11–201.15)

Areas affected:

- Statewide

Compliance date: 12/31/1976 (Effective date: 01/19/1974)

Summary:

This rulemaking adds an option to operate under the requirements of a temporary fuel shortage control plan when low-sulfur fuels are unavailable and using available fuel will not result in compliance with sections 112.11–112.15. This option expires on 12/31/1976.

This rulemaking is part of the [1974 Complete SIP Revision](#) (02/15/1974).

Rule Project Adopted on 01/26/1972

Adoption: [Regulation II](#) (01/26/1972)

EPA approval: [37 FR 10895](#) (05/31/1972)

Sections affected:

- New: Regulation II, rules 201.1–201.10 and 202, tables 4–11, and figures 4–6

Areas affected:

- Statewide

Compliance date: 12/31/1973 (Effective date: 03/05/1972)

Summary:

The rulemaking amends and moves the SO₂ rules in Regulation III into Regulation II. Amended Regulation II supersedes all portions of Regulation III including control of sulfuric acid and hydrogen sulfide emissions. The rulemaking sets SO₂ emission limits for sulfuric acid plants and sulfur recovery plants; nonferrous smelters; solid fuel-fired steam generators; and liquid fuel-fired steam generators. The rulemaking also limits the net ground level SO₂ concentration.

This rulemaking is part of the [1972 Complete SIP](#) (01/26/1972).

Rule Project Adopted on 01/03/1968

Adoption: [Regulation III](#)

EPA approval: Predates SIP requirements

Sections affected:

- New: Regulation III, sections I–IX, and appendices A–C

Areas affected:

- Statewide

Compliance date: 07/01/1968 (Effective date: 02/22/1968)

Summary:

The rulemaking establishes ambient concentration and emission limits for SO₂, sulfuric acid, and hydrogen sulfide based on land-use type and county; SO₂ emission limits during start-up, shut-down, inspection, cleaning, maintenance, and process malfunction; and associated monitoring and recordkeeping requirements.