

# Rule History

## Title 30 Texas Administrative Code Chapter 117

### Utility Electric Generation in Ozone Nonattainment Areas

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#### Introduction

The official version of the rules in [Chapter 117, Subchapter C, Divisions 1, 3, and 4](#)  is available on the Secretary of State's website.

Each revision is identified by the date the commission adopted the changes. When available, the rule project number, which is the unique identification number from the rules tracking database for the specific rule project, is also provided for reference.

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 submitted for United States Environmental Protection Agency (EPA) approval as part of the State Implementation Plan (SIP) control strategy to meet the National Ambient Air Quality Standard (NAAQS) for ozone. Links to the Federal Register publication of the EPA's approval of these rules and the associated SIP revisions 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 06/03/2015

### Rule project number 2013-049-117-AI

Proposal: [39 TexReg 10337](#) (12/26/2014)

Adoption: [40 TexReg 3965](#) (06/19/2015)

Date submitted to EPA: 07/10/2015

EPA approval: Pending

Sections affected:

- Amended: 117.1303, 117.1310, 117.1325, 117.1335, 117.1340, 117.1345, 117.1350, 117.1354, 117.9130, 117.9800, and 117.9810
- Repealed: 117.1100, 117.1103, 117.1105, 117.1110, 117.1115, 117.1120, 117.1125, 117.1135, 117.1140, 117.1145, 117.1152, 117.1154, 117.1156, and 117.9110

Areas affected:

- Dallas-Fort Worth (DFW) area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties)
- Statewide

Compliance date: 01/01/2017 (Effective date: 06/25/2015)

Summary:

The rulemaking implements reasonably available control technology (RACT) requirements for electric generating units (EGUs) that are major sources of NOx located in the newly designated nonattainment Wise County.

The rulemaking revises the definition of electric power generating system to distinguish rule requirements for independent power producers located in all Texas ozone nonattainment areas.

The rulemaking revokes an exemption for utility turbines and auxiliary steam boilers installed after November 15, 1992 in the DFW area for consistency with the NOx major source industrial rules that currently apply in the DFW area.

This rulemaking is part of the [DFW Eight-Hour Ozone Attainment Demonstration SIP Revision \(2013-015-SIP-NR\)](#) (06/03/2015).

## Rule Project Adopted on 03/28/2012

### Rule project number 2011-018-101-EN

Proposal: [36 TexReg 7138](#) (10/21/2011)

Adoption: [37 TexReg 2655](#) (04/13/2012)

Date submitted to EPA: 04/13/2012

EPA approval: The EPA did not act on these rules because the state withdrew the program rules from EPA's consideration.

Sections affected:

- Amended: 117.1020, 117.1120, and 117.1220

Counties affected:

- Beaumont–Port Arthur (BPA) area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, and Tarrant Counties), and Houston-Galveston-Brazoria (HGB) area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: 04/19/2012 (Effective date: 04/19/2012)

Summary:

The revisions reflect the repeal of the System Cap Trading program rules and requirements of Chapter 101 by removing references to Chapter 101, Subchapter H, Division 5. The rulemaking repeals the System Cap Trading program rules because the program has had minimal participation.

## Rule Project Adopted on 05/23/2007

### Rule project number 2006-034-117-EN

Proposal: [31 TexReg 10538](#) (12/29/2006)

Adoption: [32 TexReg 3206](#) (06/08/2007)

Date submitted to EPA: 05/30/2007

EPA approval: [73 FR 73562](#) (12/03/2008)

#### Sections affected:

- New: 117.1000, 117.1003, 117.1005, 117.1010, 117.1015, 117.1020, 117.1025, 117.1035, 117.1040, 117.1045, 117.1052, 117.1054, 117.1056, 117.1100, 117.1103, 117.1105, 117.1110, 117.1115, 117.1120, 117.1125, 117.1135, 117.1140, 117.1145, 117.1152, 117.1154, 117.1156, 117.1200, 117.1203, 117.1205, 117.1210, 117.1215, 117.1220, 117.1225, 117.1235, 117.1240, 117.1245, 117.1252, 117.1254, 117.1256, 117.1300, 117.1303, 117.1310, 117.1325, 117.1335, 117.1340, 117.1345, 117.1350, 117.1354, and 117.1356
- Repealed: 117.101, 117.103, 117.105–117.111, 117.113–117.117, 117.119, and 117.121

#### Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: 03/01/2010 (Effective date: 06/14/2007)

#### Summary:

The rulemaking incorporates the existing requirements for EGUs in ozone nonattainment areas into the newly reformatted Chapter 117 organized by area. The rulemaking establishes new requirements in Subchapter C, Division 4 for EGUs in the DFW eight-hour ozone nonattainment area.

The new requirements apply to boilers and gas turbines and establish a unit-by-unit approach for compliance with the existing emission specifications for units subject to the rule. The new rules also provide for a new emission specification as an option for utility boilers; disallow alternative system-wide emission specifications or system cap options; and allow system-wide heat input averaging.

The rulemaking applies the RACT emission specifications for boilers and gas turbines to Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the DFW area.

The rules that apply in the BPA area are located in Subchapter C, Division 1 (formerly Subchapter B, Division 1). The rules that apply in the DFW area are

located in Subchapter C, Division 2 (Subchapter B, Division 1). The rules that apply in the HGB area are located in Subchapter C, Division 3 (formerly Subchapter B, Division 1).

This rulemaking is part of the [DFW Eight-Hour Ozone Attainment Demonstration SIP Revision \(2006-013-SIP-NR\)](#) (05/23/2007).

## Rule Project Adopted on 12/13/2002

### Rule project number 2002-038-117-AI

Proposal: [27 TexReg 5454](#) (06/21/2002)

Adoption: [28 TexReg 242](#) (01/03/2003)

Date submitted to EPA: 12/17/2004

EPA approval: [71 FR 52670](#) (09/06/2006) (The EPA is not taking action on Section 117.121)

#### Sections affected:

- Amended: 117.105–117.108, 117.113–117.116, 117.119, and 117.121
- Repealed: 117.104

#### Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: (Effective date: 01/17/2003)

- 05/01/2003 - Section 117.113
- 03/31/2004 - Section 117.116

#### Summary:

The revisions clarify and update emission specifications and emission specifications for attainment demonstrations for certain combustion units. The revisions also specify standard oxygen conditions for ammonia concentration measurements; add flexibility for ammonia compliance; and clarify alternative system-wide emission specifications for units.

The rulemaking clarifies monitoring requirements and specifies that in lieu of installing a totalizing fuel flow meter on a unit, an owner or operator may opt to assume fuel consumption at maximum design fuel flow rates.

The revisions provide for a new requirement that ammonia monitoring be applied to units that inject urea or ammonia into an exhaust stream for NOx control. The rulemaking repeals Section 117.104 due to the passing of the RACT final compliance date specified for electric utilities in the DFW area.

This rulemaking is part of the [HGB Attainment SIP Revision \(2002-046a-SIP-AI\)](#) (12/13/2002).

## Rule Project Adopted on 09/26/2001

### Rule project number 2001-007b-117-AI

Proposal: [26 TexReg 4400](#) (06/15/2001)

Adoption: [26 TexReg 8110](#) (10/12/2001)

Date submitted to EPA: 12/22/2000

EPA approval: [66 FR 57230](#) (11/14/2001)

Sections affected:

- Amended: 117.101, 117.103, 117.106–117.110, and 117.119

Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: 03/31/2007 (Effective date: 10/18/2001)

Summary:

The amendments add a new emission specification for attainment demonstration (ESAD) for duct burners in gas turbine exhaust ducts. The changes also provide owners and operators of electric generating facilities in the BPA and HGB areas additional flexibility in meeting their system caps through the use of emission reduction credits, discrete emission reduction credits, or through the transfer of allowable emissions.

The changes remove the exemption for small (ten megawatts or less) EGUs that are registered under a standard permit, and include revised ESAD for electric utility boilers in the HGB area.

This rulemaking is part of the [HGB SIP Revision \(2001-007-SIP-AI\)](#) (09/26/2001).

## Rule Project Adopted on 03/21/2001

### Rule project number 2000-046-101-AI

Proposal: [25 TexReg 11883](#) (12/01/2000)

Adoption: [26 TexReg 2735](#) (04/06/2001)

Date submitted to EPA: 05/30/2007

EPA approval: [73 FR 73562](#) (12/03/2008)

Sections affected:

- New: 117.109 and 117.110

Areas affected:

- DFW area (Collin, Dallas, Denton, and Tarrant Counties)

Compliance date: 04/12/2001 (Effective date: 04/12/2001)

Summary:

The rulemaking allows owners or operators of NO<sub>x</sub> sources in the DFW area, who are participating in a system cap, to trade emissions with other participating owners or operators of NO<sub>x</sub> sources in the DFW nonattainment area. The adopted rulemaking also clarifies change-of-ownership transactions as they pertain to emission caps.

These revisions are part of a rulemaking to create the System Cap Trading program of Chapter 101. In a subsequent *Federal Register* notice issued on 11/18/2010 ([75 FR 70654](#)), the EPA proposed to disapprove the System Cap Trading program rules but considered Sections 117.109 and 117.110 as independent from the System Cap Trading program rules and approved these sections on 12/03/2008 ([73 FR 73562](#)).

This rulemaking is part of the [DFW Attainment SIP Revision \(2001-025-SIP-AI\)](#) (08/22/2001).

## Rule Project Adopted on 12/06/2000

### Rule project number 2000-011H-117-AI

Proposal: [25 TexReg 8275](#) (08/25/2000)

Adoption: [26 TexReg 524](#) (01/12/2001)

Date submitted to EPA: 12/22/2000

EPA approval: [66 FR 57230](#) (11/14/2001)

#### Sections affected:

- Amended: 117.101, 117.103, 117.105, 117.106, 117.108, 117.111, 117.113, 117.114, 117.116, 117.119, and 117.121
- New: 117.114

#### Areas affected:

- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: 03/31/2007 (Effective date: 01/18/2001)

#### Summary:

The rulemaking revises terms; clarifies exemptions for specific combustion units; and clarifies compliance dates for RACT emission specifications and for emission specifications for attainment demonstrations. The rulemaking also provides for new NO<sub>x</sub> emission specifications for electric utility boilers, auxiliary steam boilers, and stationary gas turbines located in the HGB area.

The amendments also establish applicable ammonia and carbon monoxide emission limits in order to address pollutants which may increase as an incidental result of compliance with the NO<sub>x</sub> emission specifications.

Finally, the adopted rulemaking clarifies system cap requirements and installation requirements for totalizing fuel flow meters and run time meters for specific units. The new section applies to units in the HGB area subject to emission specifications for attainment demonstrations and specifies monitoring and testing requirements.

This rulemaking is part of the [HGB Attainment SIP Revision \(2000-011-SIP-AI\)](#) (12/06/2000).

## Rule Project Adopted on 04/19/2000

### Rule project number 1999-056-117-AI

Proposal: [24 TexReg 11977](#) (12/31/1999)

Adoption: [25 TexReg 4140](#) (05/05/2000)

Date submitted to EPA: 04/30/2000

EPA approval: [65 FR 64148](#) (10/26/2000)

#### Sections affected:

- Amended: 117.101, 117.103, 117.105, 117.107, 117.111, 117.113, 117.115, 117.117, 117.119, and 117.121
- New: 117.104, 117.106, 117.108, and 117.116
- Repealed: 117.109 and 117.601

#### Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: 05/01/2005 (Effective date: 05/11/2000)

#### Summary:

The revisions make the form of the carbon monoxide limit for electric utility boilers consistent with the carbon monoxide limit for industrial, commercial, and institutional boilers. The revisions adopt a new emission specification for attainment demonstration for electric utility boilers located in the BPA and DFW areas. The adopted emission limits address air pollutants which may increase as an incidental result of compliance with the adopted NO<sub>x</sub> limits, specifically carbon monoxide and ammonia. The changes clarify the use of a system-wide cap on units instead of system-wide emission averaging for compliance with the new NO<sub>x</sub> limits; provide for greater NO<sub>x</sub> compliance flexibility with changes to the system cap rules; and deletes language due to the passing of the compliance date for initial control plan submission. Finally, the revisions re-locate gas-fired steam generation requirements to the appropriate Sections for utility electric generation in ozone nonattainment areas and utility electric generation in east and central Texas.

These rulemakings are part of the [DFW Attainment SIP Revision \(1999-055-SIP-AI\)](#) (04/19/2000); [HGB Attainment SIP Revision \(1999-055-SIP-AI\)](#) (04/19/2000); and [BPA One-Hour Ozone Attainment SIP Revision \(1999-056-SIP-AI\)](#) (04/19/2000).

## Rule Project Adopted on 02/24/1999

### Rule project number 1998-030-117-AI

Proposal: [23 TexReg 11281](#) (11/06/1998)

Adoption: [24 TexReg 1784](#) (03/12/1999)

Date submitted to EPA: 11/15/1999

EPA approval: [65 FR 53172](#) (09/01/2000)

#### Sections affected:

- Amended: 117.101, 117.103, 117.105, 117.107, 117.109, 117.111, 117.113, 117.115, 117.117, 117.119, 117.121, and 117.601

#### Counties affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: 03/31/2001 (Effective date: 03/21/1999)

#### Summary:

The rulemaking extends NO<sub>x</sub> RACT requirements to the DFW area. The revisions also update compliance dates for emission specifications and reorganize the requirements pertaining to alternative system-wide emission specifications and continuous demonstration of compliance.

The changes also add specificity to the requirements for final control plan procedures in order to assess a source's compliance with NO<sub>x</sub> RACT. These rules are necessary to achieve NO<sub>x</sub> reductions in order to attain both the existing one-hour ozone NAAQS and the new eight-hour ozone NAAQS. The revisions clarify, provide historical context, and simplify gas-fired steam generating unit requirements.

This rulemaking is part of the [DFW Attainment SIP Revision \(1998-046-SIP-AI\)](#) 02/24/1999.

## Rule Project Adopted on 05/20/1998

### Rule project number 1997-181-117-AI

Proposal: [23 TexReg 319](#) (01/09/1998)

Adoption: [23 TexReg 5973](#) (06/05/1998)

Date submitted to EPA: 05/20/1998

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.105, 117.113, and 117.601

Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: 11/15/1999 (Effective date: 06/10/1998)

Summary:

The rulemaking adjusts the compliance averaging period and adds an alternative monitoring option for carbon monoxide for any electric utility unit. The rulemaking also extends the compliance date for gas-fired steam generating units to 11/15/1999. The rulemaking provides an ozone control strategy for the HGB and BPA areas, including specific NO<sub>x</sub> reductions, in order to attain the ozone standard.

Prior to the adopted changes, the HGB and BPA areas were exempt from the federally required NO<sub>x</sub> RACT requirements. The EPA approved the temporary exemption based on the state's preliminary demonstration, using Urban Airshed Model modeling, that NO<sub>x</sub> reductions in HGB and BPA areas would not lower ozone levels. However, subsequent modeling results show that NO<sub>x</sub> reductions are needed to attain the ozone standard. These rule changes contribute to the NO<sub>x</sub> reductions needed. The adopted rulemaking also adjusts the compliance averaging period and adds an alternative monitoring option for carbon monoxide for any electric utility unit.

The rulemaking also extends the compliance date for gas-fired steam generating units.

## Rule Project Adopted on 01/10/1996

### Rule project number 1995-131-117-AI

Proposal: [20 TexReg 6912](#) (09/05/1995)

Adoption: [21 TexReg 516](#) (01/19/1996)

Date submitted to EPA: 03/06/1996

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.601

Areas affected:

- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: 02/01/1996 (Effective date: 02/01/1996)

Summary:

The rulemaking extends the compliance date of the NO<sub>x</sub> RACT rules from 05/31/1997 to 05/31/1999 ([62 FR 28344](#), 05/23/1997). The state has previously submitted a request to the EPA to obtain a temporary exemption from implementing NO<sub>x</sub> RACT requirements until modeling could be performed to determine the effect of NO<sub>x</sub> on reducing ozone in the BPA and HGB areas.

## Rule Project Adopted on 08/31/1994

Proposal: [19 TexReg 4487](#) (06/10/1994)

Adoption: [19 TexReg 7126](#) (09/09/1994)

Date submitted to EPA: 08/17/1994

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.601

Areas affected:

- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: 09/22/1994 (Effective date: 09/22/1994)

Summary:

The rulemaking extends the compliance date for implementation of NO<sub>x</sub> RACT requirements from 05/31/1995 to 05/31/1997. The state plans to request a temporary exemption from implementing RACT to evaluate the effect of NO<sub>x</sub> on ozone. The EPA discusses its approval of the state's request for the temporary exemption at [60 FR 19515](#) (04/19/1995).

## Rule Project Adopted on 05/25/1994

Proposal: [19 TexReg 30](#) (01/04/1994)

Adoption: [19 TexReg 4523](#) (06/10/1994)

Date submitted to EPA: 06/09/1994

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.103, 117.105, 117.107, 117.109, 117.111, 117.113, 117.115, 117.117, 117.119, and 117.121

Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: (Effective date: 06/23/1994)

- 05/31/1995 - Section 117.111 and applicable tests required for units with continuous emissions monitoring systems or predictable emissions monitoring systems using block one-hour average;
- 07/31/1995 - required applicable tests for units with continuous emissions monitoring systems or predictable emissions monitoring systems using rolling 30-day average

Summary:

The rulemaking applies NO<sub>x</sub> RACT requirements to major sources located in the HGB area. Changes include a carbon monoxide emission specification of 132 parts per million at 15% oxygen, dry basis; clarifications to alternative system-wide emission specifications for oil-fired utility units; and clarifications to alternative monitoring procedures to include predictive emissions monitoring systems.

Prior to EPA approval of this rulemaking, Texas submitted a petition to the EPA on 08/17/1994 under Federal Clean Air Act (FCAA) section 182(b) requesting to temporarily exempt the BPA and HGB areas from FCAA NO<sub>x</sub> requirements. The exemption was based on air quality modeling data that indicated that the control of NO<sub>x</sub> would not contribute to attainment of the NAAQS. The petition was approved by EPA on 04/19/1995 ([60 FR 19515](#)).

## Rule Project Adopted on 08/30/1993

Proposal: [18 TexReg 3745](#) (06/15/1993)

Adoption: [18 TexReg 8956](#) (12/03/1993)

Date submitted to EPA: 08/31/1993

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.105

Areas affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)

Compliance date: 05/31/1995 (Effective date: 12/15/1993)

Summary:

The revisions to emission specifications add the requirement to use the lower of either the best available control technology (BACT) NOx emission limit of a 30 TAC Chapter 116 permit or the appropriate RACT emission limit of this revised section. The change affects the calculation of system-wide emission limits of section 117.107.

## Rule Project Adopted on 05/11/1993

Proposal: [17 TexReg 8136](#) (11/20/1992)

Adoption: [18 TexReg 3409](#) (05/28/1993)

Date submitted to EPA: 06/15/1993

EPA approval:

- [65 FR 11468](#) (03/03/2000) (Conditional approval for BPA and HGB areas)
- [65 FR 53172](#) (09/01/2000) (Converted to a final approval for BPA and HGB areas and approving rules for the other affected areas)

Sections affected:

- New: 117.101, 117.103, 117.105, 117.107, 117.109, 117.111, 117.113, 117.115, 117.117, 117.119, 117.121, and 117.601
- Repealed: 117.1, 117.3, and 117.4

Counties affected:

- BPA area (Hardin, Jefferson, and Orange Counties)
- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties)

Compliance date: 05/31/1995 (Effective date: 06/09/1993)

Summary:

The adopted rulemaking implements RACT requirements for certain stationary sources of NO<sub>x</sub> in the HGB areas. The new rules for gas-fired steam generating units incorporate existing requirements in Section 117.1 and apply to only the affected counties of the DFW and HGB areas.

Prior to EPA approval of this rulemaking, Texas submitted a petition to the EPA on 08/17/1994 under section 182(b) requesting to temporarily exempt the BPA and HGB areas from FCAA NO<sub>x</sub> requirements. The exemption was based on air quality modeling data that indicated that the control of NO<sub>x</sub> would not contribute to attainment of the NAAQS. The petition was approved by EPA on 04/19/1995 ([60 FR 19515](#)).

## Rule Project Adopted on 04/23/1976

Proposal: [1 TexReg 545](#) (03/09/1976)

Adoption: [1 TexReg 1173](#) (05/04/1976)

Date submitted to EPA: Not available

EPA approval: Not available

Sections affected:

- Amended: 117.1 (Rule 701)

Counties affected:

- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: (Effective date: 05/26/1976)

Summary:

The revision provides for an exemption to the NO<sub>x</sub> emission limits for existing gas-fired steam generating units of more than 600,000 pounds per hour but less than 1,100,000 pounds per hour maximum continuous steam capacity, provided the total steam generated from the unit during any one calendar year does not exceed 30% of the product of the maximum continuous steam capacity of the unit multiplied by the number of hours in a year.

## Rule Project Adopted on 07/27/1972

Adoption: [Regulation VII](#)

Date submitted to EPA: 08/08/1972

EPA approval: The EPA did not act upon these rules because it approved all affected areas as attainment for the NOx standard.

Sections affected:

- Amended: Rule 701

Areas affected:

- DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties)
- HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)
- Austin, Colorado, Cooke, Erath, Fannin, Grayson, Hood, Hunt, Matagorda, Navarro, Palo Pinto, Somervell, Wharton, and Wise Counties

Compliance date: (Effective date: 08/31/1972)

- 07/01/1974 - Modification of one steam generating unit to comply with emission specifications
- 07/01/1976 - Modification of more than one steam generating units to comply with emission specifications

Summary:

The rulemaking provides for new NOx emission specifications for gas-fired steam generating units in the affected counties of the DFW and HGB areas. The emission standards specifically target opposed-fired, front-fired, and tangential-fired steam generating units capable of more than 600,000 pounds per hour maximum continuous steam capacity.

On 06/14/1972, the EPA proposed NOx control strategies and regulations to correct for the deficiencies of the initial plan submitted on 01/28/1972. After re-evaluating NOx determination methods and air quality levels for the state, the EPA redesignated the regions of the state on 05/08/1974 ([39 FR 16344](#)) to attainment for the national standard for NOx, and the EPA revoked its previous disapproval of the NOx control strategy and withdrew proposed actions dealing with control of stationary source emissions of NOx.

The Regulation VII rule revision is part of the [1973 Complete SIP Revision](#) (08/15/1976).

## Rule Project Adopted on 01/26/1972

Adoption: [1972 Board Order 72-7](#)

Date submitted to EPA: 01/28/1972

EPA approval: [37 FR 10895](#) (05/31/1972) (EPA is disapproving Regulation VII (Rule 701) for the Dallas–Fort Worth area until certain deficiencies are met)

Sections affected:

- New: Rule 701

Areas affected:

- Statewide

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

Summary:

The rulemaking promulgated new rules for the control of NO<sub>x</sub> emissions from stationary sources. Because the extent of controlling NO<sub>x</sub> emissions from existing stationary sources is uncertain at this point in time, the new rules require existing stationary sources to be operated according to procedures designed to minimize NO<sub>x</sub> emissions. NO<sub>x</sub> emission standards for existing stationary sources are not anticipated to be promulgated until 06/30/1972.

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