

# Rule History

## Title 30 Texas Administrative Code Chapter 117

### Nitric Acid Manufacturing in Ozone Nonattainment Areas

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#### Introduction

The official version of the rules in [Chapter 117, Subchapter F, Division 2](#) 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 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 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: 117.4100, 117.4105, 117.4125, 117.4135, 117.4140, 117.4145, and 117.4150
- Repealed: 117.401, 117.405, 117.409, 117.411, 117.413, 117.419, and 117.421

#### Areas affected:

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

Compliance date: Not Applicable (Effective date: 06/14/2007)

#### Summary:

The rulemaking incorporates the existing requirements for nitric acid manufacturing in Chapter 117, Subchapter C, Division 2 into the newly reformatted Chapter 117, Subchapter F, Division 2.

## 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: 01/28/2003

EPA approval: [71 FR 52670](#) (09/06/2006)

#### Sections affected:

- Amended: 117.401, 117.409, 117.411, 117.413, 117.419, and 117.421

#### Areas affected:

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

Compliance date: Not applicable (Effective date: 01/17/2003)

#### Summary:

The rulemaking makes minor administrative and technical changes and corrections. The rulemaking also revises record retention time.

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

## 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 NOx RACT rules to 05/31/1999. The state has previously submitted a request to the EPA to obtain a temporary exemption from implementing NOx RACT requirements until modeling could be performed to determine the effect of NOx on reducing ozone in the BPA and HGB areas. The EPA initially approved the temporary exemption with a required compliance date for NOx RACT requirements of 05/31/1997 ([60 FR 19515](#) (04/19/1995)). The state will submit a request to extend the required compliance date of the temporary exemption to 05/31/1999 as well. The EPA discusses its approval of the state's request to extend the RACT compliance date at [62 FR 28344](#) (05/23/1997).

## 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)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- Amended: 117.411, 117.413, 117.419, and 117.421

Areas affected:

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

Compliance date: Not applicable (Effective date: 06/23/1994)

Summary:

The rulemaking makes minor administrative and technical changes and corrections.

## 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 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)
- [65 FR 53172](#) (09/01/2000)

Sections affected:

- New: 117.401, 117.405, 117.409, 117.411, 117.413, 117.419, and 117.421
- Repealed: 117.2

Areas affected:

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

Compliance date: 04/01/1994 (Effective date: 06/09/1993)

Summary:

The adopted rulemaking establishes new requirements in the BPA and HGB areas for the nitric acid manufacturing source category. This rulemaking implements reasonably available control technology (RACT) requirements for major sources of this alternative control techniques category ([EPA-453/3-91-026](#)).

This rulemaking fulfills a portion of the commitment made to the EPA to develop NOx RACT requirements and is part of the [NOx RACT SIP Revision](#) (08/13/1992).

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 NOx requirements. The exemption was based on air quality modeling data that indicated that the control of NOx 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 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 DFW 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 promulgates new rules for the control of NO<sub>x</sub> emissions from stationary sources. The new rules require existing stationary sources to be operated according to procedures designed to minimize NO<sub>x</sub> emissions.

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