

Rule History

Title 30 Texas Administrative Code Chapter 117

Water Heaters, Small Boilers, and Process Heaters

Introduction

The official version of the rules in [Chapter 117, Subchapter E, Division 3](#) 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 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: 06/13/2007

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

Sections affected:

- New: 117.3200, 117.3201, 117.3203, 117.3205, 117.3210, and 117.3215
- Repealed: 117.460, 117.461, 117.463, 117.465, 117.467, and 117.469

Areas affected: Statewide

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

Summary:

The rulemaking implements House Bill 965, which deletes the requirement that water heater manufacturers meet the 10 nanogram per Joule emission standard on Type 0 water heaters by the 01/01/2007 compliance date and retains the current 40 nanogram per Joule emission standard.

The rulemaking deletes the definitions of Direct-vent unit and Power-vent unit. The rulemaking also allows Type 1 and 2 units located at single family residences to qualify for exemption from the division.

The rulemaking establishes new Subchapter E, Division 3 to incorporate the existing rule language from Chapter 117, Subchapter D, Division 1, *Water Heaters, Small Boilers, and Process Heaters*.

This rulemaking is part of the [Dallas–Fort Worth \(DFW\) 1997 Eight-Hour Ozone Attainment Demonstration SIP Revision \(2006-013-SIP-NR\)](#) (05/23/2007).

Rule Project Adopted on 12/01/2004

Rule project number 2004-076-117-AI

Proposal: [29 TexReg 8249](#) (08/27/2004)

Adoption: [29 TexReg 11719](#) (12/17/2004)

Date submitted to EPA: 12/17/2004

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

Sections affected:

- Amended: 117.460 and 117.465

Areas affected: Statewide

Compliance date: (Effective date: 12/23/2004)

- 01/01/2006 for Type 0 units with storage volumes of 50 gallons or less
- 01/01/2007 for Type 0 units with storage volumes greater than 50 gallons

Summary:

The rulemaking exempts power-vent and direct-vent Type 0 units from the existing 10 nanogram per Joule emission specification.

The rulemaking also extends the existing emissions compliance date by one year (from 01/01/2005 to 01/01/2006) for conventional Type 0 units with storage volumes of 50 gallons or less and by two years (from 01/01/2005 to 01/01/2007) for conventional Type 0 units with storage volumes greater than 50 gallons.

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: 117.463, 117.465, and 117.467

Areas affected: Statewide

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

Summary:

The rulemaking adds exemptions for manufacturers and distributors of water heaters, small boilers, and process heaters that exceed the emission limits and are intended for shipment and use outside of Texas.

The new exemptions are necessary because some Texas manufacturers also market products outside of Texas. The rulemaking corrects a typographical error in the emission specifications section and a reference in the certification section.

This rulemaking is part of the [Houston-Galveston-Brazoria Attainment SIP Revision \(2002-46a-SIP-AI\)](#) (12/13/2002).

Rule Project Adopted on 04/19/2000

Rule project number 1999-055I-117-AI

Proposal: [24 TexReg 12007](#) (12/31/1999)

Adoption: [25 TexReg 4177](#) (05/05/2000)

Date submitted to EPA: 04/30/2000

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

Associated SIP revision:

Sections affected:

- New: 117.460, 117.461, 117.463, 117.465, 117.467, and 117.469

Areas affected: Statewide

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

- 07/01/2002 for Section 115.465(1)
- 12/31/2004 for Section 115.465(2)
- 01/01/2005 for Section 115.465(3) and (4)

Summary:

The rulemaking implements the California standards for natural gas-fired water heaters, small boilers, and process heaters throughout the state. The new rules are part of the rules for small combustion sources in Chapter 117, Subchapter D.

The new rules alleviate some of the manufacturing and distribution problems that arise with a patchwork application and help to ensure that essentially all of the new units installed in the nonattainment and near nonattainment areas will emit less NOx.

This rulemaking is part of the [DFW Attainment SIP Revision \(1999-055-SIP-AI\)](#) (04/19/2000).