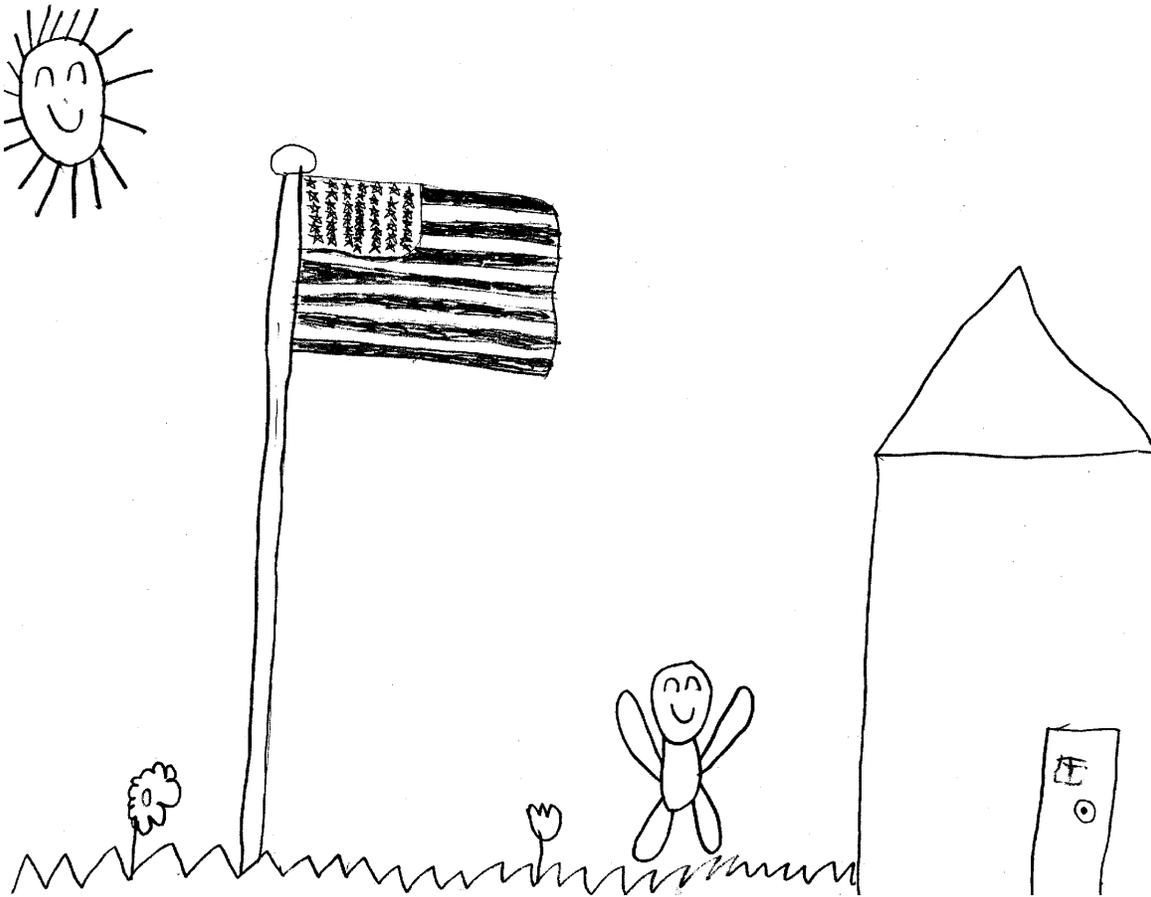


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## Texas Natural Resource Conservation Commission

### Title 30, Part 1

The Texas Natural Resource Conservation Commission (commission) adopts the rules review and readopts Chapter 112, Control of Air Pollution from Sulfur Compounds, in accordance with the requirements of Texas Government Code, §2001.039, and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which require state agencies to review and consider for readoption each of their rules every four years. The review must include an assessment of whether the reasons for the rules continue to exist. The proposed notice of intention to review was published in the May 4, 2001 issue of the *Texas Register* (26 TexReg 3399).

#### CHAPTER SUMMARY

Chapter 112 regulates, through state and federal air quality standards, the control of air pollution from sulfur compounds, which include sulfur dioxide (SO<sub>2</sub>), sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub>), hydrogen sulfide (H<sub>2</sub>S), and total reduced sulfur (TRS). Chapter 112 was initially adopted in 1968 by the Texas Air Control Board (TACB) in accordance with the Texas Clean Air Act (TCAA) of the 60th Legislature, 1967. The standards adopted at that time were state air quality standards, because the Federal Clean Air Act of 1970, as codified in 42 United States Code (USC), had not been promulgated and there were no federal air quality standards. In 1972, the TACB submitted the SO<sub>2</sub> rules as part of the state implementation plan (SIP) for the SO<sub>2</sub> national ambient air quality standard (NAAQS) in accordance with 42 USC, §7409, National Primary and Secondary Ambient Air Quality Standards; and §7410, State Implementation Plans for National Primary and Secondary Ambient Air Quality Standards. In 1973, the TACB adopted rules concerning SO<sub>2</sub> emission limits from all processes, including sulfuric acid plants, in non-ferrous smelters. In 1989, the TACB adopted rules and a state plan concerning control of sulfuric acid mist and TRS from existing facilities in accordance with 42 USC, §7411(d), Standards of Performance for Existing Sources.

This chapter is organized in four subchapters. Subchapter A, Control of Sulfur Dioxide, contains the definitions; compliance, reporting, and recordkeeping requirements; air quality standards in the form of net ground level concentration limits; conditions for exemption from the net ground level concentration limits; allowable emission rate standards for various types of facilities that emit SO<sub>2</sub>; plan requirements for temporary low-sulfur fuel shortages; area control plan requirements specifying conditions for exemption from net ground level concentration limits for all SO<sub>2</sub> emitting facilities inside a specified area of the state; and an allowable emission rate standard for facilities operating under an area control plan. The specific types of SO<sub>2</sub> emitting facilities covered by allowable emission rate standards include sulfuric acid plants burning elemental sulfur, sulfuric acid plants, sulfur recovery plants, solid fossil fuel-fired steam generators, plants combusting liquid fuel, and nonferrous smelters. Subchapter B, Control of Hydrogen Sulfide, establishes an allowable net ground level concentration limit of 0.08 part per million (ppm) averaged over a 30-minute period for H<sub>2</sub>S emission sources located near property used for residential, business, or commercial purposes; a net ground level concentration limit of 0.12 ppm averaged over a 30-minute period for sources located near property used for purposes other than residential, business, or commercial; and specifies the procedures by which the H<sub>2</sub>S net ground level concentration may be determined. Subchapter C, Control of Sulfuric Acid, establishes net ground level concentration limits for H<sub>2</sub>SO<sub>4</sub> acid emission sources; allowable emission rate standards for specific types of H<sub>2</sub>SO<sub>4</sub> mist emission sources (H<sub>2</sub>SO<sub>4</sub> or oleum facilities burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or

acid sludge); an exemption for H<sub>2</sub>SO<sub>4</sub> plants or facilities used exclusively as SO<sub>2</sub> control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities; specifies the procedures by which the H<sub>2</sub>SO<sub>4</sub> net ground level concentrations and maximum allowable emission rates may be determined; inspection and recordkeeping requirements; and compliance schedules. Subchapter D, Control of Total Reduced Sulfur, establishes emission limits and alternate emission limits for TRS compounds from kraft pulp mills; inspection requirements; monitoring and recordkeeping requirements; and compliance schedules. The chapter has been revised a total of nine times since its initial adoption in January 1968.

#### ASSESSMENT OF WHETHER THE REASONS FOR THE RULES CONTINUE TO EXIST

The commission determined that the reasons for the rules in Chapter 112 continue to exist. These rules are necessary to control emissions of SO<sub>2</sub>, H<sub>2</sub>S, H<sub>2</sub>SO<sub>4</sub>, and TRS throughout the state. Specifically, the rules controlling SO<sub>2</sub> were developed under the authority of TCAA, §382.011, General Powers and Duties, which authorizes the commission to control air contaminants; §382.013, Air Quality Control Regions, which authorizes the commission to designate air quality control regions; and §382.017, Rules, which authorizes the commission to adopt rules to implement TCAA. The rules controlling SO<sub>2</sub> are also needed to implement TCAA, §382.012, State Air Control Plan, which mandates the commission to develop a comprehensive plan for the proper control of the state's air; and 42 USC, §7409 and §7410 to control SO<sub>2</sub> from sources in specific counties to maintain attainment of the primary and secondary SO<sub>2</sub> NAAQS. The rules controlling H<sub>2</sub>S were developed under the authority of TCAA, §§382.011, 382.013, and 382.017; needed to implement TCAA, §382.012. The rules controlling H<sub>2</sub>SO<sub>4</sub> and TRS were developed under the authority of TCAA, §§382.011, 382.013, and 382.017. The rules controlling H<sub>2</sub>SO<sub>4</sub> and TRS are also needed to implement TCAA, §382.012 and 42 USC, §7411(d) to control specifically designated pollutants from existing designated sources.

The commission's review of Chapter 112 revealed a number of inconsistencies, incorrect references, and outdated citations. In addition, Chapter 112 requires a method of calculating emission rates (Sutton's equation) that is potentially outdated, and possibly should be augmented or replaced by the dispersion modeling techniques. The commission specifically requested public comment regarding which is the more acceptable and appropriate method, the use of Sutton's equation with data from stack samples and measurements, or dispersion modeling techniques, but received no comment. All updates, consistency issues, or other needed changes to Chapter 112 will be considered in a future rulemaking action.

#### PUBLIC COMMENT

The public comment period closed on June 4, 2001, and no comments were received.

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The Texas Natural Resource Conservation Commission (commission) adopts the rules review and readopts Chapter 317, Design Criteria for Sewerage Systems, in accordance with the requirements of Texas Government Code, §2001.039, and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which require state agencies to review and consider for readoption each of their rules every four years.