

NOTICE OF WITHDRAWAL

The Texas Natural Resource Conservation Commission (commission) withdraws the proposal to adopt new §114.322, Control Requirements for Sulfur; §114.325, Approved Sulfur Test Methods; §114.326, Testing and Recordkeeping Requirements; §114.327, Exemptions; and §114.329, Affected Counties and Compliance Dates. These new sections were proposed for inclusion into Chapter 114, Control of Air Pollution from Motor Vehicles; Subchapter H, Low Emission Fuels; Division 3, Low Sulfur Gasoline. The proposal was published in the August 25, 2000 issue of the *Texas Register* (25 TexReg 8188).

The commission evaluated the comments received on the proposal to implement a state-wide program requiring gasoline which meets a lower sulfur content requirement than the federal low sulfur gasoline standards. The federal standards, finalized in December 1999, require all gasoline to meet a 30 part per million sulfur content standard beginning in 2004. The commission received comments both in support of and in opposition to the proposal. Comments supporting the proposal were generally in support of additional controls to address air quality concerns. Comments opposing the proposal included the excessive costs associated with producing the low sulfur gasoline when compared to the small estimated emissions reduction benefit, the difficulties associated with producing a boutique fuel, anticipated distribution problems, and the short engineering and construction timelines which conflict with the producers' ongoing effort to comply with the federal low sulfur requirements.

Texas Natural Resource Conservation Commission
Chapter 114 - Control of Air Pollution from Motor Vehicles
Rule Log Number 2000-011F-114-AI

The commission's decision to withdraw this proposal is based on the timing of the federal low sulfur gasoline regulations. Because the Houston/Galveston (HGA) ozone nonattainment area is required to have three years of emissions monitoring data demonstrating compliance with the national ambient air quality standard for ozone in order to support the 2007 attainment demonstration, the implementation of the federal low sulfur gasoline in 2004 should provide the HGA area the necessary time to allow the results of this program to be realized through air emissions monitoring data.