

Texas Commission on Environmental Quality



DECISION OF THE COMMISSION REGARDING THE PETITION FOR RULEMAKING FILED BY BEN DICKSON, P.E.

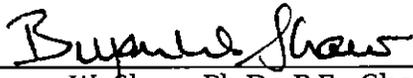
Docket No. 2017-0820-PET
Rule Project No. 2017-029-PET-NR

On August 2, 2017, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by Ben Dickson, P.E. (petitioner). The petitioner filed the request on June 5, 2017, and requested that the commission eliminate the rule provisions under 30 TAC § 117.310(f), Emissions Specifications for Eight-Hour Attainment Demonstrations, and identical requirements under § 117.410(f), that prohibit any person from starting or operating any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon in the Houston-Galveston-Brazoria (HGB) and Dallas-Fort Worth (DFW) Eight-Hour ozone nonattainment areas.

IT IS THEREFORE ORDERED BY THE COMMISSION, pursuant to the Administrative Procedure Act, Texas Government Code, § 2001.021 and Texas Water Code, § 5.102 and § 5.103, to deny the petition. The decision to deny the petition is based on our conclusion that the requested revision could lead to potential backsliding issues for the HGB and DFW state implementation plans since nitrogen oxides (NO_x) reductions resulting from controlling stationary engines at minor and major NO_x industrial sources were relied upon to demonstrate attainment with the 1997 National Ambient Air Quality Standards (NAAQS) in the HGB and DFW areas. Additionally, the use of "time-of-day" restrictions creates reductions in the amount of NO_x added to the atmosphere by stationary diesel and dual-fuel engines during the time of day when those emissions have been shown to contribute to exceedances of the ozone NAAQS. The Commission believes the requested revision interferes with attainment and reasonable further progress requirements for the HGB and DFW State Implementation Plans, and is also inconsistent with Chapter 117, Subchapter D Rules, as was expressed in the executive director's response memorandum to the petition dated July 14, 2017.

This Decision constitutes the decision of the Commission required by the Texas Government Code, § 2001.021(c).

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., P.E., Chairman

8-9-17
Date Signed