

Texas Commission on Environmental Quality

Nitrogen Oxides (NO_x) Rule Revisions for Ozone Nonattainment Areas

Regulations regarding NO_x emissions controls were updated April 24, 2024, in [30 Texas Administrative Code, Chapter 117](#).¹ The new and amended rules are summarized below and arranged according to the areas of the state where they apply. This information is intended only as a guideline to assist owners and operators of affected facilities in determining if the rule revisions may affect their sources and does not replace the requirements specified in the rules. Please refer to the [rule proposal](#)² and [rule adoption](#)³ documents published in the *Texas Register* for more detailed information about changes made to this rule.

Updates to [Definitions](#)⁴

Update	Citation
Added Bexar County to the definition of applicable ozone nonattainment area.	117.10(2)(B)
Revision to “electric generating power system” to include Bexar County affected sources under new Subchapter C, Division 2.	117.10(14)(A) and new (A)(ii)
Revision to “electric generating power system” to clarify that Subchapter E, Division 1 no longer applies to affected Bexar County sources beginning January 1, 2025.	117.10(14)(D)
Added Bexar County NO _x sources with actual emissions or the potential to emit 100 tons per year (tpy) or more to the definition of “major source.”	117.10(29)(B)
Revision to lower the major source threshold from 50 tpy to 25 tpy of NO _x for sources in the Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area.	117.10(29)(C)
Revision to “major source” to clarify Bexar County affected sources are no longer subject under revised 117.10(29)(E) for attainment counties under Chapter 117 beginning January 1, 2025.	117.10(29)(E)
Revision to “unit” to include newly affected sources in Bexar County under new 117.205 Reasonably Available Control Technology (RACT) requirements for stationary gas turbines (including duct burners used in the turbine exhaust duct) and gas-fired lean-burn stationary reciprocating internal combustion engines.	117.10(51)(G)
Revision to “unit” to include newly affected sources in Bexar County under new 117.1105 RACT requirements for utility boilers, auxiliary steam boilers, and stationary gas turbines (including duct burners used in turbine exhaust ducts).	117.10(51)(H)

1. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=117](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=117)

2. texashistory.unt.edu/ark:/67531/metapth1637387/m1/207/

3. texashistory.unt.edu/ark:/67531/metapth1693623/m1/287/

4. [texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=10](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=10)

Bexar County Area

Rule Section	Rule Provisions	Compliance Date	Citation
	Major Industrial, Commercial, and Institutional Sources ⁵		
Applicability	New section to designate stationary gas turbines, duct burners used in turbine exhaust ducts, and gas-fired lean-burn stationary reciprocating internal combustion engines as (newly) affected sources, or units, in Bexar County required to comply with new Subchapter B, Division 2.	Jan. 1, 2025	117.200
Exemptions	New section to establish criteria by which an owner/operator may claim an affected unit exempt from otherwise applicable emission specifications, testing, monitoring, and recordkeeping requirements of new Subchapter B, Division 2.	Jan. 1, 2025	117.203
RACT Emission Specifications	New section to establish NO _x emission specifications, NO _x averaging times, compliance flexibility, and prohibition of circumvention criteria applicable to owners/operators of affected units covered under new Subchapter B, Division 2.	Jan. 1, 2025	117.205
Operating Requirements	New section to establish operating requirements applicable to owners/operators of affected units covered under new Subchapter B, Division 2.	Jan. 1, 2025	117.230
Initial Compliance Demonstration	New section to establish compliance demonstration requirements for owners/operators of affected units with NO _x emission specifications through either stack testing or emissions monitors, as applicable.	Jan. 1, 2025	117.235
Continuous Compliance Demonstration	New section to establish on-going compliance demonstration requirements for owners/operators of affected units such as totalizing fuel flow meters, NO _x emissions monitors, run time meters, and testing requirements, as applicable.	Jan. 1, 2025	117.240
Notification, Recordkeeping, and Reporting	New section applicable to owners/operators of affected units covered under new Subchapter B, Division 2 concerning startup and shutdown records, notification of performance testing and reporting of results, semiannual reports for emissions exceedances for units operating with emissions monitors, reporting for stationary engines, and recordkeeping of fuel usage, emissions, control system maintenance, operation, claimed exemptions, and testing results, as applicable.	Jan. 1, 2025	117.245
Control Plans for RACT	New section applicable to owners/operators of affected units outlining information required for control plans or reports to be submitted by the owner/operator.	Jan. 1, 2025	117.252
Compliance Schedule	New section to establish a compliance date of January 1, 2025, for affected sources that become newly subject to the requirements of new Subchapter B, Division 2 and for those units that become subject after the specified compliance date.	Rule effective date of May 16, 2024	117.9010
	Major Utility Electric Generation Sources ⁶		
Applicability	New section to designate utility boilers, auxiliary steam boilers, stationary gas turbines, and duct burners used in turbine exhaust ducts, located at electric power generating systems, as (newly) affected sources, or units, in the Bexar County nonattainment area required to comply with new Subchapter C, Division 2.	Jan. 1, 2025	117.1100

5. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=2&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=2&rl=Y)

6. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=C&div=2&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=C&div=2&rl=Y)

Rule Section	Rule Provisions	Compliance Date	Citation
Exemptions	New section to establish criteria by which an owner/operator may claim an affected unit exempt from otherwise applicable emission specifications, testing, monitoring, and recordkeeping requirements of new Subchapter C, Division 2 for electric generating facilities.	Jan. 1, 2025	117.1103
RACT Emission Specifications	New section to establish NO _x emission specifications and compliance flexibility for owners/operators of affected units covered under new Subchapter C, Division 2 for electric generating sources in Bexar County.	Jan. 1, 2025	117.1105
System Cap	New section specifying the emission limitation calculation procedure by which an owner/operator demonstrates compliance against the calculated limit based on the number of units composing the system cap and the participating units' historical heat input over a defined time period; and other procedures, limitations, and requirements applicable to electric generating facilities.	Jan. 1, 2025	117.1120
Continuous Compliance Demonstration	New section to establish on-going compliance demonstration requirements for RACT for owners/operators of affected units such as totalizing fuel flow meters, NO _x emissions monitors, run time meters, and testing requirements, as applicable, as well as procedures for acid rain peaking units and data substitution applicable to electric generating facility (EGFs).	Jan. 1, 2025	117.1140
Notification, Recordkeeping, and Reporting	New section applicable to owners/operators of affected units covered under new Subchapter C, Division 2 concerning startup and shutdown records, notification of performance testing and reporting of results, semiannual reports for emissions exceedances for units operating with emissions monitors, and recordkeeping of fuel usage, emissions, data to corroborate claimed exemptions, and testing results.	Jan. 1, 2025	117.1145
Control Plans for RACT	New section applicable to owners/operators of affected units covered under new Subchapter C, Division 2 outlining information required for control plans or reports to be submitted by the owner/operator.	Jan. 1, 2025	117.1152
Compliance Schedule	New section to establish a compliance date of January 1, 2025, for affected sources (EGFs) that become newly subject to the requirements of new Subchapter C, Division 2 and for those units that become subject after the specified compliance date.	Rule effective date of May 16, 2024	117.9110
Applicability	Adds new subsection (c) to specify that the provisions of Subchapter E, Division 1 no longer apply to affected sources in the Bexar County area beginning January 1, 2025.	Rule effective date of May 16, 2024	117.3000(c)
	Cement Kilns ⁷		
Exemptions	Revisions to clarify that after the compliance date specified in new 117.9320(d), Bexar County affected sources are no longer required to comply with the requirements of 117.3110 and 117.3120; these sources would be required to comply with new 117.3124.	Jan. 1, 2025	117.3103(d)
Emission Specifications	Revision to clarify that the existing rule section no longer applies to affected sources located in Bexar County after December 31, 2024.	Jan. 1, 2025	117.3110(f)
Source Cap	Revision to clarify that the existing rule section no longer applies to affected sources located in Bexar County after December 31, 2024.	Jan. 1, 2025	117.3120(g)

Rule Section	Rule Provisions	Compliance Date	Citation
Bexar County RACT Emission Specifications	New section to establish NO _x emission specifications for preheater-precalciner and precalciner kilns on a pound per ton of clinker produced basis.	Jan. 1, 2025	117.3124
Notification, Recordkeeping, and Reporting	Revision to specify new requirements for monitoring records of hourly, daily, and rolling 30-day average NO _x mass emissions and of a rolling 30-day average NO _x emission rate from units subject to new 117.3124 RACT requirements.	Jan. 1, 2025	117.3145(5)
Compliance Schedule	Revision to establish a compliance date of January 1, 2025, for affected sources in Bexar County that become subject to the RACT requirements of new 117.3124.	Rule effective date of May 16, 2024	117.9320(d)
	<u>Administrative Provisions</u> ⁸		
Compliance Schedule	Establishes new provision to specify that affected sources in Bexar County are no longer required to comply with the provisions of Subchapter E, Division 1 beginning January 1, 2025.	Rule effective date of May 16, 2024	117.9300
Emission Credits	Revises existing rule section to allow owner or operator to use emission credits in accordance with 117.9800 to meet the NO _x emission control requirements of the section to comply with RACT requirements referenced in new 117.205 and 117.1105 and a new paragraph (9) for new 117.3124 under existing subsection (a); subjects new 117.1120 to the provisions in existing subsection (b); and adds 117.252 and 117.1152 to existing subsection (d) requirements for revised final control plans.	Rule effective date of May 16, 2024	117.9800

Dallas-Fort Worth (DFW) Area

Rule Section	Rule Provisions	Compliance Date	Citation
	<u>Major Industrial, Commercial, and Institutional Sources</u> ⁹		
Emission Specifications for Eight-Hour Attainment Demonstration	Revises existing paragraph (2), which specifies ammonia emission limits and O ₂ correction standards for certain units at major sources, to include diesel engines as a new line item for the correction to 15% O ₂ , dry.	Rule effective date of May 16, 2024	117.410(c)(2)
Continuous Compliance Demonstration	Revises existing requirements for NO _x monitors for certain units to specify that owners/operators of stationary diesel engines at major sources in the DFW area that use SCR control systems and satisfy other criteria as specified in new subparagraph (B) are no longer required to install a continuous or predictive emissions monitor under 117.440.	Rule effective date of May 16, 2024	117.440(c)(2)(B)
Continuous Compliance Demonstration	Revises existing ammonia emission monitoring requirements to specify that owners/operators of units that qualify under the new provisions specified under 117.440(c)(2)(B) are no longer required to monitor ammonia emissions.	Rule effective date of May 16, 2024	117.440(d)

8. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=H](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=H)

9. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=4&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=4&rl=Y)

Rule Section	Rule Provisions	Compliance Date	Citation
Compliance Schedule	Establishes new compliance date of November 7, 2025, for affected sources in Wise County subject to existing 117.405 in new subsection (a)(1)(D) and for affected sources in the other nine counties subject to existing 117.410(a) in new subsection (b)(3) and (4).	Rule effective date of May 16, 2024	117.9030(a)(1)(D) and (b)(3)-(4)
	Minor Sources ¹⁰		
Emission Specifications	Revises existing paragraph (2), which specifies ammonia emission limits and O ₂ correction standards for certain units at minor sources, to include diesel engines as a new line item for the correction to 15% O ₂ , dry.	Rule effective date of May 16, 2024	117.2110(h)(2)
Monitoring and Testing	Revises existing ammonia emission monitoring requirements to specify that owners/operators of stationary diesel engines at minor sources in the DFW area that use SCR control systems and satisfy other criteria as specified in revised paragraph (2) are no longer required to monitor ammonia emissions.	Rule effective date of May 16, 2024	117.2135(d)(2)

Houston-Galveston-Brazoria (HGB) Area

Rule Section	Rule Provisions	Compliance Date	Citation
	Major Industrial, Commercial, and Institutional Sources ¹¹		
Emission Specifications for Attainment Demonstration	Revises existing paragraph (2), which specifies ammonia emission limits and (oxygen) O ₂ correction standards for certain units at major sources, to include diesel engines as a new line item for the correction to 15% O ₂ , dry.	Rule effective date of May 16, 2024	117.310(c)(2)
Continuous Compliance Demonstration	Revises existing requirements for NO _x monitors to specify that owners/operators of stationary diesel engines at major sources in the HGB area that use selective catalytic reduction (SCR) control systems and satisfy other criteria as specified in new subparagraph (C) are no longer required to install a continuous or predictive emissions monitor under 17.340.	Rule effective date of May 16, 2024	117.340(c)(2)(C)
Continuous Compliance Demonstration	Revises existing ammonia emission monitoring requirements to specify that owners/operators of units that qualify under the new provisions specified under 117.340(c)(2)(C) are no longer required to monitor ammonia emissions.	Rule effective date of May 16, 2024	117.340(d)
	Minor Sources ¹²		
Emission Specifications	Revises existing paragraph (2), which specifies ammonia emission limits and O ₂ correction standards for certain units at minor sources, to include diesel engines as a new line item for the correction to 15% O ₂ , dry.	Rule effective date of May 16, 2024	117.2010(i)(2)

10. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=D&div=2&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=D&div=2&rl=Y)

11. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=3&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=B&div=3&rl=Y)

12. [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=D&div=1&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=117&sch=D&div=1&rl=Y)

Rule Section	Rule Provisions	Compliance Date	Citation
Monitoring and Testing	Revises existing ammonia emission monitoring requirements to specify that owners/operators of stationary diesel engines at minor sources in the HGB area that use SCR control systems and satisfy other criteria as specified in revised paragraph (2) are no longer required to monitor ammonia emissions.	Rule effective date of May 16, 2024	117.2035(e)(2)