

Texas Chapter 117 - Control of Air Pollution From Nitrogen Compounds

SUBCHAPTER F: ACID MANUFACTURING

DIVISION 3: NITRIC ACID MANUFACTURING — GENERAL

Adopted by TCEQ May 23, 2007 effective June 14, 2007 (7-27).

Submitted to EPA May 30, 2007.

Approved by EPA December 3, 2008 (73 FR 73562) effective January 2, 2009 (TXd97).

Amendatory language partially corrected January 14, 2009 (74 FR 1927) (TXd99) —

Division header above Section 117.4200 was corrected but was codified wrong in the *Code of Federal Regulations*.

Outline:

§117.4200. Applicability. 7-27 (page 459), TXd97

§117.4205. Emission Specifications. 7-27 (page 460), TXd97

§117.4210. Applicability of Federal New Source Performance Standards. 7-27 (page 460), TXd97

*******end outline tx7F3d097*****mx9*****

SUBCHAPTER F: ACID MANUFACTURING
DIVISION 3: NITRIC ACID MANUFACTURING – GENERAL

§§117.4200, 117.4205, 117.4210

STATUTORY AUTHORITY

The new sections are adopted under Texas Water Code, §5.102, concerning General Powers, §5.103, concerning Rules, and §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the Texas Water Code. In addition, the sections are adopted under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which states the policy and purpose of the State of Texas and the Texas Clean Air Act; §382.011, concerning General Powers and Duties, which provides the commission with the authority to establish the level of quality to be maintained in the state's air and the authority to control the quality of the state's air; §382.012, concerning State Air Control Plan, which requires the commission to develop plans for protection of the state's air; §382.014, concerning Emission Inventory, which authorizes the commission to require submission information relating to emissions of air contaminants; §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe requirements for owners or operators of sources to make and maintain records of emissions measurements; §382.017, concerning Rules, which provides the commission the authority to adopt rules consistent with the policy and purposes of the Texas Clean Air Act; §382.021, concerning Sampling Methods and Procedures, which authorizes the commission to prescribe the sampling methods and procedures; and §382.051(d), concerning Permitting Authority of Commission Rules, which authorizes the commission to adopt rules as necessary to comply with changes in federal law or regulations applicable to permits under Chapter 382. In addition, the new sections are adopted under federal mandates contained in 42 United States Code, §§7401 *et seq.*, which require states to adopt pollution control measures in order to reach specific air quality standards in particular areas of the state.

The adopted sections implement Texas Health and Safety Code, §§382.002, 382.011, 382.012, 382.014, 382.016, 382.017, 382.021, and 382.051(d).

§117.4200. Applicability.

The emission specifications in §117.4205 of this title (relating to Emission Specifications) apply to all nitric acid production units in the state, with the exception that, for nitric acid production units

located in applicable ozone nonattainment areas, the emission specifications of §117.4105 of this title (relating to Emission Specifications) apply after November 15, 1999.

§117.4205. Emission Specifications.

No person shall allow emissions of nitrogen oxides, calculated as nitrogen dioxide, from any nitric acid production unit to exceed 600 parts per million by volume.

§117.4210. Applicability of Federal New Source Performance Standards.

None of the provisions of this subchapter (relating to Acid Manufacturing) may be construed to limit or preclude applicability of any provision of 40 Code of Federal Regulations Part 60, Subpart G (Standards of Performance for Nitric Acid Plants).