The Texas Natural Resource Conservation Commission (TNRCC or commission) proposes amendments to §117.105, concerning Emission Specifications, §117.113, concerning Continuous Demonstration of Compliance, §117.205, concerning Emission Specifications, §117.211, concerning Initial Demonstration of Compliance, §117.213, concerning Continuous Demonstration of Compliance, §117.451, concerning Applicability, §117.510, concerning Compliance Schedule for Utility Electric Generation, §117.520, concerning Compliance Schedule For Commercial, Institutional, and Industrial Combustion Sources, §117.530, concerning Compliance Schedule For Nitric Acid and Adipic Acid Manufacturing Sources, §117.540, concerning Phased Reasonably Available Control Technology (RACT), and §117.601, concerning Gas-Fired Steam Generation.

EXPLANATION OF THE PROPOSED RULES

In the Fall of 1997, the TNRCC staff completed a major modeling analysis of the airshed of the upper Texas Gulf Coast. This study indicated that Nitrogen Oxidess$_x$ (NO_x) reductions are a necessary step toward the area's attaining the federal air quality standard for ozone. Because of the modeling and the need to continue steady reductions of the pollutants that contribute to ozone smog, on November 24, 1997, the commission determined not to seek further federal waivers from the NO_x reduction requirements of the 1990 Federal Clean Air Act for the Houston/Galveston (HGA) and Beaumont/Port Arthur (BPA) areas.

The purpose of this rulemaking is to smooth the transition to an ozone control strategy for HGA and BPA which includes NO_x reduction. The most important proposed revision is to extend the compliance date of the Chapter 117 NO_x RACT requirements by six months, to November 30, 1999. The

extension would provide a two-year period to implement NO_x reductions, from the November 24, 1997 date that the commission decided to implement a NO_x-based strategy. A two-year period is necessary for industry to purchase, install, and test the emission control equipment and monitoring systems required by Chapter 117.

The other proposed revision to smooth the implementation of the Chapter 117 RACT requirements would eliminate the requirement to monitor carbon monoxide (CO) continuously for certain units. While CO emissions in some cases may increase as a result of NO_x abatement, checking CO emissions periodically will also be an effective, but less expensive, means of avoiding problems with excessive CO.

The proposed revision to §117.105(j) adjusts the compliance averaging period for CO for any electric utility unit which does not use continuous emissions monitors (CEMS) or predictive emissions monitors (PEMS) for CO. The proposed alternative, an hourly compliance period, is necessary for these units since compliance must be determined by manual stack sampling methods. Twenty-four hours of continuous manual sampling is impractical.

The proposed new §117.113(k) adds an option to conduct periodic sampling of CO instead of using CEMS or PEMS for CO for electric utility units. In addition to the initial compliance demonstration for CO, indicator of compliance sampling for CO with a hand-held analyzer would be required following manual combustion tuning or burner adjustments. This procedure would identify any excessive emission that could occur as a result of an effort to minimize NO_x emissions. In addition, the

acid rain monitoring rules require an annual stack test (relative accuracy test audit) for NO_x emissions. A concurrent test of CO emissions during this audit will not add to expense and will confirm compliance on a periodic basis.

The proposed revisions to §117.205(e) and §117.211(f)(3) add the option of a 24-hour compliance averaging period for CO for any industrial unit which uses a CEMS or PEMS for CO. A 24-hour compliance period, which is practical for units which use CEMS or PEMS, is somewhat easier to comply with than an hourly period. Adding this option would create a minimal incentive to use CEMS or PEMS for CO.

The proposed addition of §117.213(l) would add an option to conduct periodic sampling of CO from industrial units instead of using CEMS or PEMS for CO. In addition to the initial compliance demonstration for CO, indicator of compliance sampling for CO with a hand-held analyzer would be required following manual combustion tuning or burner adjustments. This procedure would identify any excessive emission that could occur as a result of an effort to minimize NO_x emissions. A concurrent test of CO emissions during the annual relative accuracy test audit would confirm compliance on a periodic basis.

The proposed revisions to §§117.451, 117.510, 117.520, 117.530, 117.540, and 117.601 would extend the specified dates of the NO_x RACT rules by six months. The compliance date would become November 30, 1999. As previously discussed in this preamble, this would create a two-year implementation time period, which industry needs. This period is consistent with the original two-year

implementation time frame for the rule and will act to minimize the use of the case-specific phased RACT provisions of §117.540. The proposed revisions to §117.510(5) and §117.520(4) would consistently extend by six months, to January 31, 2000, the submittal date for 30-day rolling average compliance data from CEMS or PEMS. Various other dates in §117.540 would also be consistently extended by six months.

FISCAL NOTE

Stephen Minick, Strategic Planning and Appropriations, has determined that for the first five-year period the revised sections are in effect, there will be no significant fiscal implications for state or local government as a result of administration or enforcement of the proposed compliance extension and monitoring revisions to Chapter 117.

PUBLIC BENEFIT

Mr. Minick also has determined that for each year of the first five years the sections are in effect, the anticipated public benefit will be reductions of NO_x, ozone, and other air pollutants. This rulemaking would affect existing major stationary sources of NO_x in the HGA and BPA areas. Early estimates of the cost of complying with Chapter 117 NO_x RACT requirements, which were as high as $900 million, have been substantially reduced as the result of rule changes before proposal in 1992 and information provided in 1994 in sources' initial control plans. The cost of implementing the rule has been revised as a result of information from control plans and is now estimated at $280-350 million.

DRAFT REGULATORY IMPACT ANALYSIS

The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code (the Code), §2001.0225, and has determined that the rulemaking is not subject to §2001.0225 because, while meeting the definition of a "major environmental rule" as defined in the Code, it does not meet any of the four applicability requirements listed in §2001.0225(a).

This proposal does not exceed a standard set by federal law and is not specifically required by state law. This proposal does not exceed an express requirement of state law. The purpose of the proposal is to smooth the transition to an ozone control strategy that includes NO_x reductions for the HGA and BPA areas.

This proposal does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. There is no delegation agreement or contract directly applicable to the proposed rules, and the rules do not exceed any requirement of an affected delegated program.

This proposal does not adopt a rule solely under the general powers of the agency instead of under a specific state law. This proposal is adopted under the authority of the commission found in Texas Health and Safety Code, §382.012 and §382.017.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment for the proposed sections under Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the amendments is to extend the compliance date for NO_x RACT requirements and reduce the cost of emission monitoring. If adopted, sources located in the HGA and BPA ozone nonattainment areas of the state will have less expensive monitoring requirements and additional time to comply with the rules. However, there is no restriction or taking of private real property associated with the proposed amendments.

COASTAL MANAGEMENT PLAN

The commission has determined that this rulemaking action relates to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et. seq.), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3) relating to actions and rules subject to the CMP, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this rulemaking action for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council, and has determined that this rulemaking action is consistent with the applicable CMP goals and policies. Adoption of these proposed amendments should result in reductions of ambient NO_x and ozone concentrations.

PUBLIC HEARING

A public hearing on this proposal will be held February 9, 1998, at 10:00 a.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to each hearing and will answer questions before and after the hearing.

SUBMITTAL OF COMMENTS

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 97181-117-AI. Comments must be received by 5:00 p.m., February 9, 1998. For further information or questions concerning this proposal, please contact Randy Hamilton, Air Policy and Regulations Division, (512) 239-1512.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

STATUTORY AUTHORITY

The amendments are proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.012, which requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air, and §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments implement the Health and Safety Code, §382.012.

SUBCHAPTER B : COMBUSTION AT EXISTING MAJOR SOURCES

UTILITY ELECTRIC GENERATION

§117.105, §117.113

§117.105. Emission Specifications.

(a) - (i) (No change.)

(j) No person shall allow the discharge into the atmosphere from any utility boiler, steam generator, or auxiliary steam boiler subject to this undesignated head (relating to Utility Electric Generation), carbon monoxide (CO) emissions in excess of 400 ppmv, based on a one-hour average for units not equipped with continuous emissions monitoring systems (CEMS) or predictive emissions monitoring systems (PEMS) for CO, or on a rolling 24-hour averaging period for units equipped with CEMS or PEMS for CO.

(k) - (n) (No change.)

§117.113. Continuous Demonstration of Compliance.

(a) - (j) (No change.)

(k) Instead of using CEMS for CO, the owner or operator may substitute periodic sampling of CO as follows:

(1) sample CO emissions with a portable analyzer after manual combustion tuning or burner adjustments; and

(2) sample CO emissions using the test procedures of 40 CFR Appendix A in conjunction with the annual relative accuracy test audits of the NO_x and diluent analyzer.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 4, 1997.

SUBCHAPTER B : COMBUSTION AT EXISTING MAJOR SOURCES

COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL SOURCES

§§117.205, 117.211, 117.213

The amendments are proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.012, which requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air, and §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments implement the Health and Safety Code, §382.012.

§117.205. Emission Specifications.

(a) - (d) (No change.)

(e) No person shall allow the discharge into the atmosphere from any boiler or process heater subject to NO_x emission specifications in subsection (a) or (b) of this section, CO emissions in excess of the following limitations [, based on a block one-hour average]:

(1) for gas or liquid fuel-fired boilers or process heaters, 400 ppmv at 3.0% O_2, dry basis; [or]

(2) for wood fuel-fired boilers or process heaters, 775 ppmv at 7.0% O_2, dry basis; and [.]

(3) for units equipped with continuous emissions monitoring systems (CEMS) or predictive emissions monitoring systems (PEMS) for CO, the limits of paragraphs (1) and (2) of this subsection shall apply on a rolling 24-hour averaging period. For units not equipped with CEMS or PEMS for CO, the limits shall apply on a one-hour average.

§117.211. Initial Demonstration of Compliance.

(a) - (e) (No change.)

(f) Initial compliance with the emission specifications of §117.205 or §117.207 of this title for units operating with CEMS in accordance with §117.213(b) of this title, or PEMS in accordance with §117.213(c) of this title, shall be demonstrated using the CEMS or PEMS as follows.

(1) - (2) (No change.)

(3) For units complying with a CO emission limit, rolling 24-hour average [block one-hour average], any 24-hour [one-hour] period after CEMS certification testing required in §117.213(b) of this title or PEMS certification testing required in §117.213(c) of this title is used to determine compliance with the CO emission limit.

§117.213. Continuous Demonstration of Compliance.

(a) - (k) (No change.)

(l) Instead of using CEMS or PEMS for CO, the owner or operator may substitute periodic sampling of CO as follows:

(A) sample CO emissions with a portable analyzer after manual combustion tuning or burner adjustments; and

(B) sample CO emissions using the test procedures of 40 CFR Appendix A in conjunction with an annual relative accuracy test audits of the NO_x and diluent analyzer.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 4, 1997.

SUBCHAPTER C : ACID MANUFACTURING

NITRIC ACID MANUFACTURING - GENERAL

§117.451

The amendment is proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.012, which requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air, and §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendment implements the Health and Safety Code, §382.012.

§117.451. Applicability.

The emission limitations specified in §117.455 of this title (relating to Emission Specifications) shall apply to all nitric acid production units in the state, with the exception that for nitric acid production units located in applicable ozone non-attainment areas, the emission limitations of §117.405 of this title (relating to Emission Specifications) shall apply after November 30 [May 31], 1999.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 4, 1997.

SUBCHAPTER D : ADMINISTRATIVE PROVISIONS

§§117.510, 117.520, 117.530, 117.540

The amendments are proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.012, which requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air, and §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments implement the Health and Safety Code, §382.012.

§117.510. Compliance Schedule For Utility Electric Generation.

All persons affected by the provisions of §§117.101, 117.103, 117.105, 117.107, 117.109, 117.111, 117.113, 117.115, 117.117, 117.119, and 117.121 of this title (relating to Utility Electric Generation) shall be in compliance as soon as practicable, but no later than November 30 [May 31], 1999 (final compliance date). Additionally, all affected persons shall meet the following compliance schedules and submit written notification to the Executive Director:

(1) (No change.)

(2) conduct applicable continuous emissions monitoring system (CEMS) or predictive emissions monitoring systems (PEMS) evaluations and quality assurance procedures as specified in §117.113 of this title (relating to Continuous Demonstration of Compliance) according to the following schedules:

(A) (No change.)

(B) for equipment and software not required pursuant to 40 CFR 75, no later than November 30 [May 31], 1999.

(3) install all nitrogen oxides (NO_x) abatement equipment, implement all NO_x control techniques, and submit the results of the CEMS or PEMS performance evaluation and quality assurance procedures to the Texas Natural Resource Conservation Commission no later than November 30 [May 31], 1999;

(4) for units operating without CEMS or PEMS, conduct applicable tests for initial demonstration of compliance as specified in §117.111 of this title (relating to Initial Demonstration of Compliance); and submit the results by April 1, 1994, or as early as practicable, but in no case later than November 30 [May 31], 1999;

(5) for units operating with CEMS or PEMS and complying with the NO_x emission limit on a rolling 30-day average, conduct the applicable tests for the initial demonstration of compliance as specified in §117.111 of this title and submit the results of the applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.113 of this title no later than January 31, 2000 [July 31, 1999];

(6) for units operating with CEMS or PEMS and complying with the NO_x emission limit in pounds per hour on a block one-hour average, conduct the applicable tests for the initial demonstration of compliance as specified in §117.111 of this title and submit the results of the applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.113 of this title by November 30 [May 31], 1999;

(7) (No change.)

(8) no later than November 30 [May 31], 1999, submit a final control plan for compliance in accordance with §117.115 of this title (relating to Final Control Plan Procedures).

§117.520. Compliance Schedule For Commercial, Institutional, and Industrial Combustion Sources.

All persons affected by the provisions of §§117.201, 117.203, 117.205, 117.207-117.209, 117.211, 117.213, 117.215, 117.217, 117.219, 117.221, and 117.223 of this title (relating to Commercial, Institutional, and Industrial Sources) shall be in compliance as soon as practicable, but no later than November 30 [May 31, 1999] (final compliance date). All affected persons shall meet the following compliance schedules and submit written notification to the Executive Director:

(1) (No change.)

(2) install all NO_x abatement equipment and implement all NO_x control techniques no later than November 30 [May 31], 1999;

(3) for units operating without continuous emissions monitoring system (CEMS) or predictive emissions monitoring systems (PEMS), conduct applicable tests for initial demonstration of compliance as specified in §117.211 of this title (relating to Initial Demonstration of Compliance); and submit the results by April 1, 1994, or as early as practicable, but in no case later than November 30 [May 31], 1999;

(4) for units operating with CEMS or PEMS and complying with the NO_x emission limit on a rolling 30-day average, conduct the applicable tests for the initial demonstration of

compliance as specified in §117.211 of this title and submit the results of the applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.213 of this title (relating to Continuous Demonstration of Compliance) no later than January 31, 2000 [July 31, 1999];

(5) for units operating with CEMS or PEMS and complying with the NO_x emission limit in pounds per hour on a block one-hour average, conduct the applicable tests for the initial demonstration of compliance as specified in §117.211 of this title and submit the results of the applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.213 of this title by November 30 [May 31], 1999; and

(6) no later than November 30 [May 31], 1999, submit a final control plan for compliance in accordance with §117.215 of this title (relating to Final Control Plan Procedures).

§117.530. Compliance Schedule For Nitric Acid and Adipic Acid Manufacturing Sources.

All persons affected by the provisions of §§117.301, 117.305, 117.309, 117.311, 117.319, and 117.321 of this title (relating to Adipic Acid Manufacturing) or the provisions of §§117.401, 117.405, 117.409, 117.411, 117.413, 117.419, and 117.421 of this title (relating to Nitric Acid Manufacturing - Ozone Nonattainment Areas) shall be in compliance as soon as practicable, but no later than November 30 [May 31], 1999 (final compliance date). All affected persons shall meet the following compliance schedules and submit written notification to the Executive Director:

(1) (No change.)

(2) conduct applicable continuous emissions monitoring system (CEMS) or predictive emissions monitoring systems (PEMS) performance evaluation and quality assurance procedures as specified in §117.313 of this title (relating to Continuous Demonstration of Compliance) and §117.413 of this title (relating to Continuous Demonstration of Compliance); provide previous testing documentation for any claimed test waiver as allowed by §117.311(d) of this title (relating to Initial Demonstration of Compliance) or §117.411(d) of this title (relating to Initial Demonstration of Compliance); and conduct applicable initial demonstration of compliance testing as specified in §117.311 and §117.411 of this title, by:

(A) (No change.)

(B) no later than November 30 [May 31, 1999], for affected facilities performing process modification or installation of a CEMS or PEMS device as part of the control plan specified in §117.309 and §117.409 of this title;

(3) (No change.)

§117.540. Phased Reasonably Available Control Technology (RACT).

The owner or operator affected by the provisions of this chapter (relating to Control of Air Pollution from Nitrogen Compounds) who determines that compliance by November 30, 1999 [May 31, 1999] is not practicable may submit a petition for phased RACT. The process for submitting a petition and receiving approval shall be based on the following:

(1) The petition shall be submitted by April 1, 1999 [October 1, 1998], or as soon as possible after such date upon a demonstration by the owner or operator that the petition was not submitted by April 1, 1999 [October 1, 1998] due to unforeseen circumstances.

(2) The owner or operator of the affected unit or units shall submit information in the petition to the Texas Natural Resource Conservation Commission (commission) and a copy to the United States Environmental Protection Agency (EPA) Regional Office in Dallas which will demonstrate all of the following:

(A) (No change.)

(B) compliance by November 30, 1999 [May 31, 1999] is impracticable due to the unavailability of nitrogen oxides (NO_x) abatement equipment, engineering services, or construction labor; system unreliability; manufacturing unreliability; equipment unreliability; or other technological and economic factors as the commission determines are appropriate;

(C) (No change.)

(D) there is a commitment to implement the portion of the phased RACT petition that can be implemented by November 30, 1999 [May 31, 1999]; and

(E) the final compliance date specified in the petition shall be as soon as practicable, but in no case later than February 28, 2001 [August 31, 2000], except as approved by the executive director.

(3) Each petition for phased RACT shall contain the information required by at least one of the following criteria.

(A) If compliance by November 30, 1999 [May 31, 1999] is impracticable due to the unavailability of NO_x abatement equipment, engineering services, or construction labor, the following information shall be included in the petition for phased RACT:

(i) a list of the company names, addresses, and telephone numbers of vendors who are qualified to provide the services and equipment capable of meeting the applicable emission limitation under this chapter and who have been contacted to obtain the required services and equipment. A copy of the request for bids along with the dates of contact shall also be provided to show a good-faith effort to obtain the required services and equipment necessary to meet the requirements of this chapter by November 30, 1999 [May 31, 1999]; and

(ii) copies of responses from each of the vendors listed in clause (i) of this subparagraph showing that they cannot provide the necessary services and install the appropriate equipment in time for the unit to comply by November 30, 1999 [May 31, 1999]. Such responses shall include the reasons why the services cannot be provided and why the equipment cannot be installed in a timely manner.

(iii) (No change.)

(B) If compliance by November 30, 1999 [May 31, 1999] is impracticable due to system unreliability for sources in the utility industry, defined as the inability or threatened inability of a utility grid system to fulfill obligations to supply electric power, the following information shall be included in the petition for phased RACT:

(i) standard load forecasts, based on standard forecasting models available throughout the utility industry, applied to the period November 30, 1997 - November 29, 1999 [May 31, 1997 - May 30, 1999];

(ii) (No change.)

(iii) specific reasons why an outage for the purpose of installing NO_x emission control equipment cannot be scheduled by November 30, 1999 [May 31, 1999].

(C) If compliance by November 30, 1999 [May 31, 1999] is impracticable due to manufacturing unreliability, defined as the inability or threatened inability of a source to fulfill contractual obligations to supply a product or products, the following information shall be included in the petition for phased RACT:

(i) - (ii) (No change.)

(iii) specific reasons why an outage for the purpose of installing NO_x emission control equipment cannot be scheduled by November 30, 1999 [May 31, 1999].

(D) If compliance by November 30, 1999 [May 31, 1999] is impracticable due to equipment unreliability, defined as the reduced availability and operating reliability of a unit resulting from the operation of NO_x control equipment on that unit, the following information shall be included in the petition for phased RACT:

(i) - (iv) (No change.)

(E) If compliance by November 30, 1999 [May 31, 1999] is impracticable due to other technical factors, the petition for phased RACT shall contain such documentation as the executive director establishes is appropriate for such technical factors.

(F) If compliance by November 30, 1999 [May 31, 1999] is unreasonable due to economic considerations, excluding the time value of money, the petition for phased RACT shall contain the following information showing comparisons of the cost of compliance by November 30, 1999 [May 31, 1999] and the cost of compliance by the final compliance date specified in the petition:

(i) the costs of additional outages, if applicable, necessitated by compliance with the emission specifications of this chapter by November 30, 1999 [May 31, 1999], as demonstrated by comparison to costs of actual historical and planned outages;

(ii) comparisons of the cost of obtaining the NO_x abatement equipment, engineering services, or construction labor necessary to comply by November 30, 1999 [May 31, 1999], and the cost of obtaining the NO_x abatement equipment, engineering services, or construction labor by the final compliance date specified in the petition. Copies of legally binding contracts, signed by an authorized official of the company, shall be submitted to document these costs. If the required NO_x abatement equipment, engineering services, or construction labor will be provided by the owner or operator, as provided for in paragraph (4) of this subsection, certification by an authorized official of the company may be submitted in lieu of contracts to document these costs; or

(iii) (No change.)

(4) (No change.)

(5) All petitions for phased RACT shall include copies of legally binding contracts with the primary vendors for each project, signed by an authorized official of the company, showing a detailed design or installation schedule for the required services or equipment to be provided by that vendor, with a completion date no later than February 28, 2001 [August 31, 2000], except as approved by the executive director. Any commercially sensitive financial information or trade secrets should be excised from the contracts.

(6) (No change.)

(7) The executive director shall approve or deny the petition within 90 days of receiving an administratively complete phased RACT petition. The executive director shall approve a petition for phased RACT if the executive director determines that compliance is not practicable by November 30, 1999 [May 31, 1999], because of either the unavailability of nitrogen oxides abatement equipment, engineering services, or construction labor; system unreliability; manufacturing unreliability; equipment unreliability; or other technological and economic factors as the executive director determines are appropriate.

(8) - (10) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 4, 1997.

SUBCHAPTER E : GAS-FIRED STEAM GENERATION

§117.601

The amendment is proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.012, which requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air, and §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendment implements the Health and Safety Code, §382.012.

§117.601. Gas-Fired Steam Generation.

(a) Subsections (b), (c), and (d) of this section shall apply only in the Dallas/Fort Worth Air Quality Control Region which consists of Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise counties and in the Houston/Galveston Air Quality Control Region which consists of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Waller, and Wharton counties. For gas-fired steam generators located in applicable ozone nonattainment areas, only the emission limitations of §117.105 of this title (relating to Emission Specifications), §117.107 of this title (relating to Alternative System-Wide Emission Specifications), §117.205 of this title (relating to Emission Specifications), and §117.207 of this title (relating to

Alternative Plant-Wide Emission Specifications) shall apply after November 30 [May 31], 1999.

(b) - (e) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 4, 1997.