

SUBCHAPTER D: SMALL COMBUSTION SOURCES

DIVISION 1: WATER HEATERS, SMALL BOILERS, AND PROCESS HEATERS

§§117.460, 117.461, 117.463, 117.465, 117.467, 117.469

§117.460. Definitions.

Unless specifically defined in the TCAA or in the rules of the commission, the terms used by the commission have the meanings commonly used in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this division are found in §101.1 of this title (relating to Definitions), §3.2 of this title (relating to Definitions), and §117.10 of this title (relating to Definitions).

(1) **Heat output** - The product H_o obtained when a Type 0, 1, or 2 unit is tested according to Section 9.3 of the South Coast Air Quality Management District Protocol: *Nitrogen Oxides Emissions Compliance Testing for Natural Gas-Fired Water Heaters and Small Boilers* (January 1998).

(2) **Type 0 unit** - Any water heater, boiler, or process heater with a maximum rated capacity of no more than 75,000 British thermal units per hour (Btu/hr).

(3) **Type 1 unit** - Any water heater, boiler, or process heater with a maximum rated capacity greater than 75,000 Btu/hr, but no more than 400,000 Btu/hr.

(4) **Type 2 unit** - Any water heater, boiler, or process heater with a maximum rated capacity greater than 400,000 Btu/hr, but no more than 2.0 million Btu per hour (MMBtu/hr).

(5) **Water heater** - A closed vessel in which water is heated by combustion of gaseous fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 pounds per square inch gauge (psig), including the apparatus by which the heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit.

§117.461. Applicability.

This division (relating to Water Heaters, Small Boilers, and Process Heaters) applies to manufacturers, distributors, retailers, and installers of natural gas-fired water heaters, boilers, and process heaters with a maximum rated capacity of 2.0 million British thermal units per hour (MMBtu/hr) or less.

§117.463. Exemptions.

This division (relating to Water Heaters, Small Boilers, and Process Heaters) does not apply to:

- (1) units using a fuel other than natural gas;
- (2) units used in recreational vehicles; and

- (3) Type 0 units used exclusively to heat swimming pools and hot tubs.

§117.465. Emission Specifications.

Natural gas-fired Type 0, 1, and 2 units sold, distributed, installed, or offered for sale within the State of Texas shall meet the following limits for nitrogen oxides (NO_x, calculated as nitrogen dioxide (NO₂)).

- (1) Type 0 units manufactured on or after July 1, 2002, but no later than December 31, 2004, shall not exceed:

- (A) 40 nanograms per joule (ng/J) of heat output; or

- (B) 55 parts per million by volume (ppmv) at 3.0% oxygen (O₂), dry.

- (2) Type 0 units manufactured on or after January 1, 2005 shall not exceed:

- (A) 10 ng/J of heat output; or

- (B) 15 ppmv at 3.0% O₂, dry.

- (3) Type 1 units manufactured on or after July 1, 2002 shall not exceed:

(A) 40 ng/J of heat output; or

(B) 55 ppmv at 3.0% O₂, dry.

(4) Type 2 units manufactured on or after July 1, 2002 shall not exceed:

(A) 30 ppmv at 3.0% O₂, dry; or

(B) 0.037 pound per million British thermal units per hour (MMBtu/hr) of heat input.

§117.467. Certification Requirements.

(a) The manufacturer shall demonstrate that each model of Type 0, 1, and 2 unit subject to the requirements of §117.465 of this title (relating to Emission Specifications) has been tested in accordance with Test Method 7 (40 Code of Federal Regulations 60, Appendix A (effective June 11, 1986)), including 7A-E, and the South Coast Air Management District (SCAQMD) Protocol: *Nitrogen Oxides Emissions Compliance Testing for Natural Gas-Fired Water Heaters and Small Boilers* (January 1998).

(b) The manufacturer may submit to the executive director an approved Bay Area Air Quality Management District or SCAQMD certification in lieu of conducting duplicative certification tests.

§117.469. Notification and Labeling Requirements.

(a) Each manufacturer shall submit to the executive director a statement certifying that Type 0, 1, and 2 units subject to the requirements of §117.465 of this title (relating to Emission Specifications) are in compliance with §117.465 of this title. The statement shall be signed, dated, and attest to the accuracy of all information. The statement shall include the manufacturer's brand name, model number, and the input rating as it appears on the rating plate. The manufacturer shall inform their wholesaler and/or retailer of the certification requirement of this subsection.

(b) The manufacturer shall display the model number and date of manufacture of each Type 0, 1, and 2 unit complying with §117.465 of this title on the shipping carton and rating plate of each Type 0, 1, and 2 unit.