

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

Symbology-- Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

Texas Air Control Board Regulation V-- Control of Air Pollution from Volatile Carbon Compounds

Counties 131.07.01

The Texas Air Control Board proposes to adopt Rules 131.07.10.001-.005. The new rules will affect counties other than those named in Existing Rule 131.07.01.001. Therefore, Existing Rule 131.07.01.001 requires amendment to reflect the changes that will result from the Proposed Rules 131.07.10.001-.005.

Public comment on the proposed amendment to Rule 131.07.01.001 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rule 131.07.01.001. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control

Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Amendment to Rule 131.07.01.001 is proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

.001. *Counties Affected. Except as otherwise provided in Rules 131.07.10.001-.005*, Regulation V shall apply only in the following counties: Aransas, Bexar, Brazoria, Calhoun, Dallas, El Paso, Galveston, Harris, Jefferson, Matagorda, Montgomery, Nueces, Orange, San Patricio, Travis, and Victoria.

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762850 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Indefinite

For further information, please call (512) 451-5711.

Storage of Volatile Carbon Compounds 131.07.02

The Texas Air Control Board proposes to adopt Rule 131.07.10.002. The new rule would require control of emissions from crude oil and condensate storage. Therefore, Existing Rule 131.07.02.003 requires amendment to reflect the changes that will result from the Proposed Rule 131.07.10.002.

Public comment on the proposed amendment to Rule 131.07.02.003 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rule 131.07.02.003. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Amendment to Rule 131.07.02.003 is proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

.003. Storage of Crude Oil or Condensate. Crude oil or condensate storage containers are exempt from Rules 131.07.02.001-.003. *Such storage containers are controlled in accordance with the requirements of Rule 131.07.10.002.*

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762851 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Indefinite

For further information, please call (512) 451-5711.

Additional Carbon Compound Emission Controls 131.07.10

On April 30, 1971, pursuant to the provisions of Section 109 of the Federal Clean Air Act, the administrator of the Environmental Protection Agency promulgated national primary and secondary ambient air quality standards. One of the primary standards provides for an allowable ambient air concentration of photochemical oxidants. Photochemical oxidants exist in the atmosphere primarily as a result of the reactions of carbon compounds and nitrogen oxides in the presence of sunlight. Therefore, a reduction in photochemical oxidant concentrations theoretically is brought about by a reduction in emissions of these precursors, carbon compounds and nitrogen oxides. The correlation between a reduction in emissions of the precursors to photochemical oxidants and a reduction of photochemical oxidant concentrations is very complex and subject to many variables. Nonetheless, the Environmental Protection Agency has required that control strategies designed to reduce photochemical oxidant concentrations should address only emissions of carbon compounds.

The State of Texas submitted a revision to the Texas Air Pollution Implementation Plan on April 15, 1973. Along with that submittal, the Governor of Texas requested an extension until 1977 for the attainment of the standard for photochemical oxidants in seven air quality control regions.

The Texas plan was disapproved by the Environmental Protection Agency on June 22, 1973, and a substitute plan was promulgated on November 6, 1973.

The regulations promulgated on November 6, 1973, were challenged by the State of Texas in the U.S. Court of Appeals for the Fifth Circuit, *State of Texas et al. vs. EPA*, 499 F.2d. 289. The court remanded the plan to the Environmental Protection Agency for further study.

The Environmental Protection Agency and the Texas Air Control Board jointly engaged in an extensive reexamination of the Texas oxidant control plan. On March 3, 1975, the Texas Air Control Board presented to the Environmental Protection Agency the results of this investigation entitled "Reactive Carbon Compound Control Strategy Reexamination for the State of Texas," Preliminary Report, Special Project Report Number SP-1. The data in this report indicates that even if some of the most stringent strategies controlling emissions of carbon compounds were implemented, the oxidant ambient air quality standards would still be exceeded. Although the Federal Clean Air Act requires that the standard must be met by the deadline regardless of cost or technical feasibility, the administrator of the Environmental Protection Agency apparently is convinced that the act will be amended and is requiring the implementation of only those strategies that he considers to be reasonable.

The Texas Air Control Board has studied the effects of several proposed strategies in the SP-1 Report and had concluded that the following Proposed Rules 131.07.10.001-.005 will reduce the emission of carbon compounds to the atmosphere in areas where the photochemical oxidant standard is now being exceeded. While this reduction in all likelihood will not result in achievement of the oxidant standard in those areas, the board has concluded that the controls are reasonable under the circumstances.

Public comment on the proposed amendment to Rules 131.07.10.001-.005 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rules 131.07.10.001-.005. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Rules 131.07.10.001-.005 are proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

.001. Addition of Hardin and Tarrant Counties.

(a) All rules contained in the subcategories 131.07.02 through 131.07.07 hereof shall apply in Hardin and Tarrant Counties.

(b) All persons in Tarrant and Hardin Counties affected by all rules contained in the subcategories 131.07.02 through 131.07.07 hereof shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

.002. *Storage of Crude Oil or Condensate.*

(a) No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 100,000 gallons capacity, crude oil or condensate unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

(1) a floating roof, consisting of a pontoon type, double-deck type roof, or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile carbon compounds have a vapor pressure of 11 pounds per square inch absolute or greater under actual storage conditions. All tank gauges and sampling devices shall be gas-tight except when gauging or sampling is taking place;

(2) a vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors in vent gases or other material emitted to the atmosphere will not exceed a level of 1.5 PSIA.

(b) The following are exempt from Rule 131.07.10.002:

(1) storage tanks located in Aransas, Bexar, Calhoun, Travis, and Victoria Counties storing only crude oil or condensate; and

(2) storage tanks associated with a drilling or production facility other than a natural gasoline plant

storing only crude oil or condensate prior to field custody transfer.

(c) All persons affected by Rule 131.07.10.002 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

.003. *Degreasing Operations.*

(a) No person shall use a volatile carbon compound for cleaning or degreasing any instrument or device unless the emissions of volatile carbon compounds from such operation are reduced at least 40 percent overall.

(b) The following are exempt from the requirements of Rule 131.07.10.003:

(1) degreasing operations which emit less than eight pounds per hour and less than 40 pounds per day of volatile carbon compounds; and

(2) degreasing operations which use only perchloroethylene, 1,1,1-tri-chloroethane, or saturated halogenated hydrocarbons as an organic solvent.

(c) Rule 131.07.10.003 shall apply only in the following counties: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, Ellis, Harris, Chambers, Galveston, Brazoria, Liberty, Matagorda, Waller, Fort Bend, Montgomery, Bexar, Guadalupe, and Comal.

(d) All persons affected by Rule 131.07.10.003 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of installation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

.004. *Filling of Gasoline Storage Vessels.*

(a) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 1,000 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors emitted to the atmosphere will not exceed a level of 1.5 PSIA.

(b) When a vapor-tight return line from the storage container to the delivery vessel is used to comply with Rule 131.07.10.004(a), the following conditions must be met:

(a) the vapor return line must be connected before gasoline can be transferred into the storage container; and

(2) the delivery vessel must be kept vapor-tight until the captured vapors can be discharged to a loading facility.

(c) The following are exempt from the requirements of Rule 131.07.10.004:

(1) stationary containers used exclusively for the fueling of implements of agriculture;

(2) any stationary container having a capacity less than 2,000 gallons installed prior to adoption of Rule 131.07.10.004;

(3) transfers made to storage tanks equipped with floating roofs or their equivalent; and

(4) stationary storage tanks located at a facility which dispenses less than 300,000 gallons of gasoline per year.

(d) Rule 131.07.10.004 shall apply only in the following counties: Bexar, Comal, Guadalupe, Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, Ellis, Travis, Hays, Nueces, San Patricio, Jefferson, Orange, Hardin, and El Paso.

(e) All persons affected by Rule 131.07.10.004 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

.005. *Final Control Plan.* All persons required to submit a final control plan shall not deviate from the terms of the final control plan. The executive director may, upon application of any person affected, change the date for accomplishing the required steps in a plan, provided such change is not likely to affect the achievement of the final compliance date specified in such plan. Within five days after completion of each of the required steps in a plan, the person submitting the plan shall so notify the executive director in writing.

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762852 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Indefinite

For further information, please call (512) 451-5711.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes 026.02.20

The Comptroller of Public Accounts is proposing to amend Rule 026.02.20.016, which exempts certain animal life, seeds, plants, fertilizer, and agricultural machinery and equipment from the Limited Sales, Excise, and Use Tax. The proposed amendment would revise the entire rule.

Public comment on the proposed amendment to Rule 026.02.20.016 is invited. Persons should submit their comments in writing to Tom Henderson, Drawer SS, Capitol Station, Austin, Texas 78711.