

# PROPOSED RULES

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.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

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

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## CODIFIED

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### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part III. Texas Air Control Board

(Editor's note: Lengthy new sections and amendments and repeals to existing sections recently proposed by the Texas Air Control Board in its chapters of rules and regulations entitled General, Procedural, Particulates, Volatile Organic Compounds, and Permits are being published serially. The rules have appeared in the March 25, March 28, and April 1 issues; the final installment appears in this issue. The Proposed Rules section of the March 25 issue listed the subchapter titles and section numbers within each of the above chapters affected by this action. The proposed date of adoption for the serialized proposals is after public hearing by the Texas Air Control Board. Sections 115.211-.213, .221-.224, .231-.237, .251-.255, .261-.265, .401, .411-.413, and .421-.424 of the chapter concerning volatile organic compounds appear in this issue. Section 116.3 of the chapter concerning permits is also included in this issue.)

The Texas Air Control Board proposes to amend 14 sections and add one section within the existing subchapters of Regulation V (Chapter 115, Volatile Organic Compounds) and proposes to add six new subchapters to it. In addition to these substantive changes for the control of air pollution from volatile organic compounds (VOC), administrative repeal is proposed for three existing chapters having a general nature, so that they can be re-established (essentially as now worded) in a permanent position at the end of Regulation V (Chapter 115).

These changes, in addition to the revisions adopted March 30, 1979, are in support of the control strategy for ozone nonattainment areas and are required to secure federal approval of the state implementation plan (SIP) as prepared and submitted by the state in response to 1977 amendments to the Federal Clean Air Act. The proposals directly respond to the U.S. Environmental Protection Agency's (EPA's) comments and proposed action on SIP approval for Texas published in the *Federal Register* on August 1, 1979.

The ozone plan addresses six urban ozone nonattainment areas (Bexar, Dallas, El Paso, Harris, Nueces, and Tarrant Counties) and six rural ozone nonattainment areas (Brazoria, Galveston, Gregg, Jefferson, Orange, and Victoria Counties). Ector County previously was included in the plan, but ambient measurements indicate that the ozone standard has not been violated during the last three years; therefore, the TACB has acted to request that it officially be redesignated to "attainment" status.

The plan demonstrates that the national ambient air quality standard for ozone will be attained by December 31, 1982, in each of these 12 areas except Harris County, where EPA on December 18, 1979, granted an extension until December 31, 1987. Although demonstrations of attainment have previously been made for all areas except Harris County, EPA has indicated that its approval of the Texas ozone SIP for these areas will be conditioned on the TACB's adoption of additional rules for the control of volatile organic compounds in accordance with guidelines issued by that agency in 1978.

The proposed section changes in Regulation V (Chapter 115) are of three categories: changes to existing sections to comply with EPA's "5.0% rule," section additions required by EPA's control technique guidelines (CTGs) issued in 1978, and section relocations needed to maintain a consistent format using the new Texas Administrative Code (TAC) section numbers assigned by the secretary of state in 1979. Each of these categories are described in more detail below.

First, revisions to sections in the subchapter on specified solvent-using processes are proposed in order to conform to EPA's "5.0% rule" that requires a state's VOC regulations, when adopted in response to an EPA CTG, to produce emission reductions so that allowable emissions after control will be within 5.0% of an EPA presumptive norm. The TACB has been able to demonstrate compliance with the 5.0% requirement except for the sections pertaining to degreasing and use of cutback asphalt. Amendment to §§115.172-.174 and .176 (131.07.59.102-.104 and .106) will be required to impose more restrictive controls on degreasing (System B), to make plant-wide (rather than process-unit) emissions the basis for exemption from degreasing controls, and to lower the exemption cut-off in Harris County from the present 100 pounds/day level down to a much lower level of three pounds/day. Amendments to §115.175 (.105) are required to extend the limitations on cutback asphalt usage in §115.171 (.101) to all ozone nonattainment counties in which combined VOC emissions from asphalt usage exceed 100 tons per year.

Second, as indicated above, new sections are proposed for nine 1978 CTGs. Six CTGs are being added as new subchapters: §§115.201-.203 for graphic arts processes, §§115.211-.213 for tire manufacturing, §§115.221-.223 for perchloroethylene dry cleaning, §§115.231-.237 for syn-

thetic pharmaceutical manufacturing, §§115.251-.255 for refinery fugitive emissions, and §§115.261-.265 for gasoline tank trucks and vapor collection systems. In relation to the last topic, three section amendments are proposed for clarification elsewhere with regard to gasoline loading and unloading: §§115.111 (131.07.52.101), 115.121 (131.07.53.101), and 115.132 (131.07.54.102).

The requirements for the remaining three CTGs are being incorporated in existing subchapters because of their relationship to the subject matter there. The two new CTGs for surface-coating processes (flatwood paneling and miscellaneous metal parts and products) are included by revising §§115.191, .192, and .194 (131.07.60.101, .102, and .104). The new CTG for external floating roof tanks will be included by incorporating a new section on double seals, §115.103 (131.07.51.103), which will be assigned a new TAC section number, as discussed below; associated amendments to the subchapter's other four sections (131.07.51.101, .102, .104, and .105) are also required.

Third, an adequate consistency among the substantive content calls for some relocation of sections and subchapters, accomplished by reassigning several section numbers published in Title 31 of the *Texas Administrative Code* (October 1979). Two kinds of reassignment are proposed for insuring that general items (concerning exemptions and compliance) are maintained in a terminal position. Within the subchapter on floating roof tanks, the entire new section for double seals (above), if adopted, would be added prior to the subchapter's two terminal sections governing exemptions and compliance, §§115.103 and 115.104 (131.07.51.104 and .105). The board proposes to increase by one the TAC section numbers of these last two sections to match the existing section numbers and thereby release §115.103 for the new section. Sections 115.101-115.105 as revised would therefore correspond to the sequence of *Texas Register* Rules 131.07.51.101-105, after the gap there is closed by the section addition.

Similarly, within Regulation V (Chapter 115) as a whole, the final three subchapters are general in type and would always remain in a terminal position during this and future section changes. To release §§115.201-.224 for the six new subchapters (above) and later additions, all of which follow the final existing subchapter (131.07.60) that deals with specific controls, the board proposes repealing §§115.201 (131.07.61.101), 115.211-115.213 (131.07.62.101-103), and 115.221-115.224 (131.07.63.101-104) and proposes re-establishing them as §§115.401, 115.411-115.413, and 115.421-115.424.

This repeal action is the necessary administrative procedure for changing the existing *Texas Register* numbers and insuring that the gap in TAC numbers will be maintained in the future. The only substantive proposed change in these relocated sections is the removal (in §115.411) of methyl chloroform from the compounds now exempted in §115.211 (131.07.62.101). Persons wishing to comment on exemption status of this compound as well as methylene chloride should refer to discussion of this issue in a notice published by TACB in the *Texas Register*, March 4, 1980.

Anticipated fiscal impacts of these proposed changes to Regulation V (Chapter 115) are shown in the table below. The TACB will enforce the proposed new sections within the

current limits of expected availability of resources; however, local air pollution control agencies have indicated additional personnel needs. Additional resources required:

	1981	1982	1983	1984	1985
State Agency	0	0	0	0	0
Local Agencies	0	\$56,600	\$105,500	\$154,000	\$178,000

The estimates for local enforcement were obtained from air pollution control officials of the following local governments: Houston, El Paso (city-county), Dallas, Fort Worth, San Antonio, Galveston County, and Corpus Christi (city-county).

Copies of the proposed changes are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and all Texas Air Control Board regional offices.

The Texas Air Control Board has scheduled public hearings on these amendments, additions, and administrative repeals (as well as on other SIP changes published elsewhere) at the following times and places:

April 22, 1980, 7 p.m.  
Jefferson County Courthouse  
Criminal Courtroom, second floor  
1149 Pearl Street  
Beaumont

April 22, 1980, 7 p.m.  
City Council Chambers  
New City Hall  
2 Civic Center Plaza  
El Paso

April 23, 1980, 7 p.m.  
Albert Pick Motor Inn  
Ballroom  
3301 Southwest Freeway  
Houston

April 23, 1980, 6-8:45 p.m.  
Arlington Public Library  
101 East Abram  
Arlington

April 24, 1980, 7 p.m.  
Brownsville City Hall  
Market Square  
Brownsville

April 24, 1980, 7 p.m.  
Corpus Christi-Nueces County Health Department  
1702 Horne Road  
Corpus Christi

Public comments on the proposed changes are invited at the hearings, both oral and written. Written testimony submitted by May 2, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 15 copies of testimony prior to the hearings where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

## Chapter 115. Volatile Organic Compounds

### Volatile Organic Compound Exemption Status in Ozone Nonattainment Areas

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.211 (131.07.62.101). *Specific Exemptions.*

§115.212 (131.07.62.102). *Exemption Cancellation.*

§115.213 (131.07.62.103). *Compliance Schedule.*

Doc. No. 802134

### Pneumatic Rubber Tire Manufacturing Facilities in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.211. *Emission Control Requirement.*

(a) The owner or operator of an undertread cementing, tread-end cementing, or bead dipping operation for the mass-production manufacture of pneumatic rubber tires shall install and operate the following capture and reduction systems.

(1) A VOC capture system for ventilation exhaust shall be designed to achieve maximum reasonable capture, at least 85% by weight of volatile organic compounds emitted, from all undertread cementing, tread-end cementing and bead dipping operations. Maximum reasonable capture shall be defined consistent with the following documents:

(A) "Industrial Ventilation, A Manual of Recommended Practices," 15th edition (American Conference of Governmental Industrial Hygienists).

(B) "Recommended Industrial Ventilation Guidelines" (U.S. Department of Health, Education, and Welfare, National Institute of Occupational Safety and Health).

(2) A volatile organic compound emission reduction system that meets one of the following sets of requirements:

(A) a carbon adsorption system designed and operated in a manner such that there is at least a 95% removal of VOC by weight from the gases ducted to the control device; or

(B) an incineration system that oxidizes at least 90% of the entering volatile organic compounds to carbon dioxide and water.

(b) The owner or operator of a green-tire spraying operation for the manufacture of pneumatic rubber tires shall implement one of the following means of reducing volatile organic compound emissions:

(1) substitute water-based sprays for the normal solvent-based mold-release compound; or

(2) install a control system designed and operated in a manner that will capture and transfer a least 90% of the VOC emitted by the green-tire spraying operation to a

volatile organic compound emission-reduction system installed and operated to meet the requirement of §115.211(a)(2) of this title.

§115.212. *Exemptions.*

(a) The provisions of the above section (115.211) do not apply to the production of specialty tires for antique or other vehicles when produced on an irregular basis or with short production runs. This exemption applies only to tires produced on equipment separate from normal production lines for pneumatic rubber tires.

(b) Pneumatic rubber tire manufacturing facilities in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which when uncontrolled emit a combined weight of volatile organic compounds less than 550 pounds (249 kg) in any consecutive 24-hour period are exempt from the provisions of §115.211 of this title.

(c) Pneumatic rubber tire manufacturing facilities in Harris County which when uncontrolled emit a combined weight of volatile organic compounds less than 15 pounds (6.8 kg) in any consecutive 24-hour period are exempt from the provisions of §115.211 of this title.

§115.213. *Compliance Schedule and Counties.* All affected persons within Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with §§115.211-115.213 of this title as soon as practicable, but no later than December 31, 1983, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1980.

Doc. No. 802135

### Compliance in Ozone Nonattainment Areas

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

These repeals are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.221. (131.07.63.101). *Superseded Rules.*

§115.222. (131.07.63.102). *Control Plan Procedure.*

§115.223. (131.07.63.103). *Control Plan Deviation.*

§115.224. (131.07.63.104). *Reporting Procedure.*

Doc. No. 802136

### Perchloroethylene Dry Cleaning Systems in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.221. *Control Requirements.* The owner or operator of a dry cleaning facility using perchloroethylene shall take the following control measures:

(1) Vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device, such that its operation causes it to emit no more than 100 ppm (before dilution of volatile organic compounds as measured by a test consistent with EPA guideline series document "Measurement of Volatile Organic Compounds" (EPA-450/2-78 041) or as determined by properly operating equipment demonstrated to be adequate to meet these emission limits.

(2) Immediately repair all components found to be leaking volatile organic compounds and visually inspect for liquid leaks, at least weekly, the following components:

- (A) hose connections, unions, couplings and valves;
- (B) machine door gaskets and seatings;
- (C) filter head gasket and seatings;
- (D) pumps;
- (E) base tanks and storage containers;
- (F) water separators;
- (G) filter sludge recovery;
- (H) distillation units;
- (I) diverter valves;
- (J) saturated lint from lint basket; and
- (K) cartridge filters.

(3) Cook or treat all diatomaceous earth filters so that the residue contains 25 pounds or less of volatile organic compounds per 100 pounds (or 25 kg per 100 kg) of wet waste material and reduce the volatile organic compounds from all solvent stills to 60 pounds or less per 100 pounds (or 60 kg per 100 kg) of wet waste material as determined by the procedure in the American National Standards Institute paper, "Standard Method of Test for Dilution of Gasoline Engine Crankcase Oils."

(4) Drain all filtration cartridges in the filter housing for at least 24 hours before removing and discarding the cartridges and, when possible, dry all drained cartridges in the dryer tumbler or elsewhere without emitting volatile organic compounds to the atmosphere.

**§115.222. Exemptions.**

(a) The following perchloroethylene dry cleaning facilities are exempt from §115.221(1) of this title: facilities which are coin-operated, facilities where an adsorber cannot

be accommodated because of inadequate space, or facilities with insufficient steam capacity to desorb adsorbers. Documented evidence shall be presented to the Texas Air Control Board, and the executive director's exemption must be confirmed in writing.

(b) Any perchloroethylene dry cleaning facility located in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which has a potential to emit a combined weight of volatile organic compound less than 550 pounds (249 kg) in any consecutive 24-hour period is exempt from the provisions of §§115.221-115.223 of this title.

**§115.223. Compliance Schedule and Counties.** The provisions of §§115.221-115.222 of this title shall apply only within Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons therein shall be in compliance with these sections as soon as practicable, but no later than December 31, 1983, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1980.

Doc. No. 802137

**Pharmaceutical Manufacturing Facilities in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties**

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

**§115.231. Emission Control Requirements.** The owner or operator of a synthesized pharmaceutical manufacturing facility shall condense or recover the volatile organic compound vent emissions from all reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers as follows.

(1) If surface condensers are used, the condenser outlet gas temperature must not exceed the following:

When VOC Vapor Pressure At 68°F (30°C) Exceeds	Outlet Gas Maximum Temperature
5.8 psia (40.0 kPa)	-13°F (-25°C)
2.9 psia (20.0 kPa)	5°F (-15°C)
1.5 psia (10.3 kPa)	32°F ( 0°C)
1.0 psia ( 6.9 kPa)	50°F ( 10°C)
0.5 psia ( 3.4 kPa)	77°F ( 25°C)

(2) If equivalent controls are used, the volatile organic compound emissions must be reduced by at least as much as they would have been reduced by the use of a surface condenser which meets the requirements of the table in paragraph (1) of this section.

**§115.232. Air Dryers and Exhaust Systems.** The owner or operator of a synthesized pharmaceutical manufacturing facility shall reduce the volatile organic compound emissions from all air dryers and production equipment exhaust systems by at least 90% or 33 pounds/day (15 kg/day), whichever is the least stringent limit.

**§115.233. Storage and Loading Controls.** The owner or operator of a synthesized pharmaceutical manufacturing facility shall:

(1) provide a vapor balance system or equivalent control that is at least 90% effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons (7,570 liters) that store volatile organic compounds with vapor pressures greater than 4.1 psia (28.3 kPa) at 68°F (20°C); and

(2) install pressure/vacuum conservation vents set at plus or minus 0.8 inches of water (plus or minus 0.2 kPa) on all storage tanks that store volatile organic compound with vapor pressures greater than 1.5 psia (10.3 kPa) at 68°F (20°C), unless a more effective control system is used.

**§115.234. Enclosure Requirements.** The owner or operator of a synthesized pharmaceutical facility shall:

(1) enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface which process liquids containing volatile organic compounds with vapor pressure equal to or greater than 0.5 psia (3.4 kPa) at 68°F (20°C);

(2) install covers on all in-process tanks that contain volatile organic compounds at any time. These covers must remain closed, except when production, sampling, maintenance, or inspection procedures require operator access.

**§115.235. Liquid Leak Repairs.** The owner or operator of a synthesized pharmaceutical manufacturing facility shall repair all leaks from which any liquid containing volatile organic compound can be observed running or dripping. Each repair shall be made the first time the equipment is off line long enough to complete the repair.

**§115.236. Exemptions.**

(a) Any facility in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which uncontrolled will emit a combined weight of volatile organic compounds less than 550 pounds (249 kg) in any consecutive 24-hour period is exempt from the provisions of §§115.231-115.235.

(b) Any facility located in Harris County which uncontrolled will emit a combined weight of volatile organic compounds less than 15 pounds (6.8 kg) in any consecutive 24-hour period is exempt from the provisions of §§115.231-115.235.

**§115.237. Compliance Schedule and Counties.** The provisions of §§115.231-115.237 shall apply only within Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall be in compliance with these rules as soon as practicable, but no later than December 31, 1983, and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980.

Doc. No. 802138

## Fugitive Emission Control in Petroleum Refineries In Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

**§115.251. Control Requirements.**

(a) The owner or operator of a petroleum refinery shall require the following.

(1) No component shall be allowed to leak volatile organic compounds (VOC) with a VOC concentration exceeding 10,000 parts per million (ppm). Testing and calibration procedures to determine compliance with this regulation must be consistent with Appendix B of the OAQPS guideline series document, "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment" (EPA-450/2-78-036).

(2) Every reasonable effort shall be made to repair a leaking component, as described in subsection (a)(1) of this section, within 15 days after the leak is found. If the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled shutdown.

(3) All leaking components, as defined in subsection (a)(1) of this section, which cannot be repaired until the unit is shutdown for turnaround shall be identified.

(b) The executive director at his discretion may require early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(c) Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken, or during maintenance operations.

(d) Pipeline valves and pressure relief valves in gaseous volatile organic compound service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the executive director.

**§115.252. Monitoring Requirements.**

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(1) monitor yearly by the methods referenced in §115.251 (a)(1) of this title all:

- (A) pump seals,
- (B) pipeline valves in liquid service, and
- (C) process drains;

(2) monitor quarterly by the method referenced in §115.251 (a)(1) of this title all:

- (A) compressor seals,
- (B) pipeline valves in gaseous service, and
- (C) pressure relief valves in gaseous service;

(3) monitor weekly by visual methods all pumps' seals;

(4) monitor immediately any pump seal from which liquids are observed dripping;

(5) monitor any relief valve within 15 days after it has vented to the atmosphere; and

(6) monitor immediately after repair any component that was found leaking.

(b) Pressure relief devices connected to an operating flare header, vapor recovery devices, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirement of subsection (a) of this section.

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component as defined in §115.251 (a) of this title shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired.

(d) The monitoring schedule of subsection (a)(1), (a)(2), and (a)(3) of this section may be modified as follows.

(1) After at least two complete annual checks, the operator of a refinery may request in writing to the Texas Air Control Board that the monitoring schedule be revised. This request shall include data that have been developed to justify any modification in the monitoring schedule.

(2) If the executive director of the Texas Air Control Board determines that there is an excessive number of leaks in any given process area, he may require an increase in the frequency of monitoring for that process area of the refinery.

(e) The executive director of the Texas Air Control Board may approve an alternate monitoring method if the refinery operator can demonstrate that the alternate monitoring method is equivalent to the method required by this section. Any request for an alternate monitoring method must be made in writing to the executive director.

#### §115.253. Recording Requirements.

(a) The owner or operator of a petroleum refinery shall maintain a leaking-components monitoring log for the specified leaks in §115.252(c) of this title, which shall contain, at a minimum, the following data:

- (1) the name of the process unit where the component is located;
- (2) the type of component (e.g., valve seal);
- (3) the tag number of the component;
- (4) the date on which a leaking component is discovered;
- (5) the date on which a leaking component is repaired;
- (6) the date and instrument reading of the recheck procedure after a leaking component is repaired;
- (7) a record of the calibration of the monitoring instrument;
- (8) those leaks that cannot be repaired until turnaround; and
- (9) the total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date

on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to the executive director, upon verbal or written request, at any reasonable time.

§115.254. Reporting Requirements. The owner or operator of a petroleum refinery, upon the completion of each yearly and/or quarterly monitoring procedure, shall:

(1) submit a report to the executive director by the 15th day of January, April, July, and October that lists all leaking components that were located during the previous three calendar months but not repaired within 15 days, all leaking components awaiting unit turnaround, the total number of components inspected, and the total number of components found leaking;

(2) submit a signed statement with the report attesting to the fact that, with the exception of those leaking components listed in §115.253(a) of this title, all monitoring and repairs were performed as stipulated in the monitoring program.

§115.255. Compliance Schedule and Counties. The provisions of §§115.251-115.254 shall apply to Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. The owner or operator of a petroleum refinery, in order to comply with §§115.251-255, shall adhere to the increments of progress contained in the following schedule:

(1) Submit to the executive director a monitoring program by January 15, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used.

(2) Submit the first quarterly monitoring report to the executive director by July 15, 1983.

Doc. No. 802139

### Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.261. Emission Control Requirements. No person shall permit the transfer of gasoline from any gasoline loading facility affected by Regulation V (gasoline terminal, bulk gasoline plant, or motor vehicle fuel dispensing facility) unless the facility and all trucks being filled or emptied at the facility are in compliance with the following operating and monitoring requirements:

(1) No person shall allow a gasoline tank truck subject to this regulation to be filled or emptied unless the gasoline tank-truck tank:

(A) is tested annually according to the test procedure described in Appendix A of the OAQPS guideline series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (EPA-450/2-78-051), or an equivalent procedure approved by the executive director;

(B) sustains a pressure change of no more than three inches of water (0.75 kpa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kpa) or evacuated to a gauge pressure of six inches of water (1.5 kpa) during the testing required in paragraph (1)(A) of this section;

(C) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria in paragraph (1)(B) of this section; and

(D) displays a sticker near the Department of Transportation certification plate which:

(i) shows the date that the gasoline tank-truck tank last passed the test required in paragraphs (1)(A) and (B) of this section;

(ii) shows the identification number of the gasoline tank-truck tank; and

(iii) expires not more than one year from the date of the leak-tight test.

(2) The owner or operator of a vapor collection system subject to this regulation shall:

(A) design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(i) gauge pressure from exceeding 18 inches of water (4.5 kpa) and vacuum from exceeding six inches of water (1.5 kpa) in the gasoline tank-truck tank;

(ii) a reading equal to or greater than 100% of the lower explosive limit (LEL), measured as propane, from all points on the perimeter of a potential leak source when measured by the method described in Appendix B of the OAQPS guideline series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (EPA-450/2-78-051), during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants, and gasoline terminals; and

(iii) avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants and gasoline terminals.

(B) within 15 days, repair and retest a vapor collection or control system that exceeds the limits in paragraph (2)(A) of this section.

(3) The executive director may at any time monitor a gasoline tank-truck tank, vapor collection system, or vapor control system by the method described in paragraph (2)(A) (ii) of this section to confirm continuing compliance with paragraphs (1) or (2) of this section.

(4) The executive director may, upon written notice modify the testing frequency of paragraph (1) of this section.

**§115.262. Recording Requirements.**

(a) The owner or operator of a source of volatile organic compounds subject to this regulation shall maintain records of all certification testing and repairs. The records must identify the gasoline tank-truck tank, vapor collection system, or vapor control system; the date of the test or repair; and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two years after the date the testing or repair was completed.

(b) The records of certification tests required by subsection (a) of this section shall, as a minimum contain:

- (1) the gasoline tank-truck tank identification number;
- (2) the initial test pressure and the time of the reading;

- (3) the final test pressure and the time of the reading;
- (4) the initial test vacuum and the time of the reading;
- (5) the final test vacuum and the time of the reading;
- (6) at the top of each report page shall be the company name with the date and location of the tests on that page; and
- (7) name and the title of person conducting the test.

**§115.263. Reporting Requirements.**

(a) The owner or operator of a gasoline tank-truck tank and vapor collection system subject to this regulation must certify to the executive director annually that the gasoline tank-truck tank and vapor collection system has been tested by the applicable method described in §115.261(1) and (2) of this title. The certification must include:

(1) the name and address of the company and the name and telephone number of a responsible company representative over whose signature the certification is submitted; and

(2) a copy of the information recorded to comply with Subsection 115.262(b) of this title.

(b) Copies of all records and reports under this section shall immediately be made available to the executive director upon verbal or written request at any reasonable time.

**§115.264. Compliance Schedule and Counties.** All persons affected by §§115.261-115.263 of this title shall be in compliance as soon as practicable, but no later than December 31, 1983, and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980. A list of affected facilities and counties is summarized below:

Affected Facility	Counties Where Rule Is Applicable
Gasoline Terminals	Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Orange, Nueces, Tarrant, and Victoria
Motor Vehicle Fuel Dispensing Facilities	Bexar, Brazoria, Dallas, Galveston, Harris, and Tarrant
Bulk Gasoline Plants	Harris

**§115.265. Exemption.** All persons in Ector County affected by Regulation V are exempt from the requirements of this subchapter.

Doc. No. 802140

**Alternate Means of Control in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties.**

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

**§115.401. Procedure.**

(a) Any person affected by any control requirement of §§115.101-115.424 may request the executive director to approve alternate methods of control. The executive director shall approve such alternate methods of control if it can be demonstrated that such control will be substantially

equivalent to the methods of control specified in this regulation (Chapter 115).

(b) Direct-flame incineration for vent-gas control in §§115.161-115.163 (131.07.58.101, .102, .104) is not intended as an exclusive emission control method for volatile organic compounds. In no event shall a vent-gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. In all such cases, application shall be made to the executive director for approval of an alternate method of control. The executive director may approve such alternate method if it represents the best alternative having due regard for the intent of §§115.161-115.163 (131.07.58.101, .102, .104) and the effect of emissions on ambient air quality.

Doc. No. 802141

### **Volatile Organic Compound Exemption Status in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties**

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

**§115.411. Specific Exemptions.** Methane, Ethane, and Trichlorotrifluoroethane (Freon 113) are exempt from control by Regulation V (Chapter 115) in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties.

**§115.412. Exemption Cancellation.** All specific organic compound exemptions previously granted by the executive director prior to May 6, 1979, in the counties listed in the above section (115.411) are cancelled on that date. Any person previously granted an exemption for a vent-gas stream prior to May 6, 1979, may reapply with evidence for its justification. The Texas Air Control Board may grant the specific vent-gas stream exemption if it can be demonstrated that the emissions from the stream will not make a critical impact.

#### **§115.413. Compliance Schedule.**

(a) All persons affected by the above section (115.412) shall be in compliance with all applicable rules contained in Regulation V (Chapter 115) as soon as practicable but no later than December 31, 1981, and shall submit to the executive director a final control plan for compliance no later than December 31, 1979.

(b) All persons affected by the cancellation of the specific exemption for 1,1,1 Trichloroethane (Methyl Chloroform) shall be in compliance as soon as practicable but no later than December 31, 1982, and shall submit to the executive director a final control plan for compliance no later than December 31, 1980.

Doc. No. 802142

### **Compliance in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties**

These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

**§115.421. Superseded Rules.** The provisions of this regulation supersede the provisions of Regulation V which was adopted on April 10, 1973, and modified on December 10, 1976, and on March 30, 1979. Persons must remain in compliance with the provisions of the superseded regulation until compliance is achieved with §§115.101-115.424 of this superseding regulation.

**§115.422. Control Plan Procedure.** A control plan for compliance shall be submitted to the executive director. The plan shall include a status report, unless a written report has been previously submitted, on the compliance status of all emission controls required by Regulation V (Chapter 115), and a detailed description of the method to be followed to achieve compliance, specifying the exact dates by which the following steps will 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;
- (4) date by which final compliance is to be achieved.

**§115.423. Control Plan Deviation.** No persons affected by the above section (115.422) shall deviate from the terms of such control plans including the date for final compliance and the dates for accomplishing the required steps in such plans. The executive director may upon application of any person affected change the date for accomplishing the required steps in a plan. Any control plan, however, that specifies a final compliance date subsequent to the date specified by any rules of Regulation V (Chapter 115) must be approved by the Texas Air Control Board under the provisions of Sections 3.21-.26 of the Texas Clean Air Act.

**§115.424. Reporting Procedure.** After a final control plan for compliance has been submitted to the executive director, progress reports shall be submitted every 90 days for all control plans specified in §115.422. The executive director shall also be notified of the completion of each separate step in the control plan within five days after completion. All reports and notifications shall be submitted, in writing, by the person submitting the compliance control plan.

Doc. No. 802143

## **Chapter 116. Permits**

### **Control of Air Pollution by Permits For New Construction or Modification (Regulation VI)**

The Texas Air Control Board (TACB) proposes to amend §116.3 (131.08.00.003) in Regulation VI which concerns the control of air pollution by permits for new construction or modification. These proposals respond to comments by the U.S. Environmental Protection Agency (EPA) in the *Federal Register* of August 1, 1979, concerning approval of the State Implementation Plan (SIP).

The changes are in parts (13), (14), and (15) of subsection (a). The amendment of part (13) would insure implementation of the emissions offset policy in a newly designated nonattain-

(B) sustains a pressure change of no more than three inches of water (0.75 kpa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kpa) or evacuated to a gauge pressure of six inches of water (1.5 kpa) during the testing required in paragraph (1)(A) of this section;

(C) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria in paragraph (1)(B) of this section; and

(D) displays a sticker near the Department of Transportation certification plate which:

(i) shows the date that the gasoline tank-truck tank last passed the test required in paragraphs (1)(A) and (B) of this section;

(ii) shows the identification number of the gasoline tank-truck tank; and

(iii) expires not more than one year from the date of the leak-tight test.

(2) The owner or operator of a vapor collection system subject to this regulation shall:

(A) design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(i) gauge pressure from exceeding 18 inches of water (4.5 kpa) and vacuum from exceeding six inches of water (1.5 kpa) in the gasoline tank-truck tank;

(ii) a reading equal to or greater than 100% of the lower explosive limit (LEL), measured as propane, from all points on the perimeter of a potential leak source when measured by the method described in Appendix B of the OAQPS guideline series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (EPA-450/2-78-051), during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants, and gasoline terminals; and

(iii) avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants and gasoline terminals.

(B) within 15 days, repair and retest a vapor collection or control system that exceeds the limits in paragraph (2)(A) of this section.

(3) The executive director may at any time monitor a gasoline tank-truck tank, vapor collection system, or vapor control system by the method described in paragraph (2)(A) (ii) of this section to confirm continuing compliance with paragraphs (1) or (2) of this section.

(4) The executive director may, upon written notice modify the testing frequency of paragraph (1) of this section.

#### §115.262. Recording Requirements.

(a) The owner or operator of a source of volatile organic compounds subject to this regulation shall maintain records of all certification testing and repairs. The records must identify the gasoline tank-truck tank, vapor collection system, or vapor control system; the date of the test or repair; and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two years after the date the testing or repair was completed.

(b) The records of certification tests required by subsection (a) of this section shall, as a minimum contain:

(1) the gasoline tank-truck tank identification number;

(2) the initial test pressure and the time of the reading;

(3) the final test pressure and the time of the reading;

(4) the initial test vacuum and the time of the reading;

(5) the final test vacuum and the time of the reading;

(6) at the top of each report page shall be the company name with the date and location of the tests on that page; and

(7) name and the title of person conducting the test.

#### §115.263. Reporting Requirements.

(a) The owner or operator of a gasoline tank-truck tank and vapor collection system subject to this regulation must certify to the executive director annually that the gasoline tank-truck tank and vapor collection system has been tested by the applicable method described in §115.261(1) and (2) of this title. The certification must include:

(1) the name and address of the company and the name and telephone number of a responsible company representative over whose signature the certification is submitted; and

(2) a copy of the information recorded to comply with Subsection 115.262(b) of this title.

(b) Copies of all records and reports under this section shall immediately be made available to the executive director upon verbal or written request at any reasonable time.

§115.264. Compliance Schedule and Counties. All persons affected by §§115.261-115.263 of this title shall be in compliance as soon as practicable, but no later than December 31, 1983, and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980. A list of affected facilities and counties is summarized below:

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§115.265. Exemption. All persons in Ector County affected by Regulation V are exempt from the requirements of this subchapter.

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These rules are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

#### §115.401. Procedure.

(a) Any person affected by any control requirement of §§115.101-115.424 may request the executive director to approve alternate methods of control. The executive director shall approve such alternate methods of control if it can be demonstrated that such control will be substantially