

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 all leaks of 10,000 ppm detected by the monitoring program required by §115.252(c) of this title (relating to monitoring requirements). This log 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 or 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 turn-around; 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) Monitoring records shall be maintained for two years and be made available for review by authorized representatives of the Texas Air Control Board or local air pollution control agencies.

**§115.254. Exemptions.** Valves with a nominal size of two inches (five cm) or less are exempt from the requirements of §§115.251-115.253 of this title (relating to control requirements, inspection requirements, and recording requirements) provided allowable emissions at any refinery from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (five cm) nominal size or smaller under this section shall at the time he provides his control plan also provide the following information:

- (1) identification of valves or classes of valves to be exempted;
- (2) an estimate of uncontrolled emissions from exempted valves and an estimate of emissions if controls were applied plus an explanation of how the estimates were derived;
- (3) an estimate of the total VOC emissions within the refinery from sources affected by §§115.251-115.253 after controls are applied and assuming no exemptions for small valves, plus an explanation of how the estimate was derived.

**§115.255. Counties and Compliance Schedule.**

(a) The provisions of §§115.251-115.253 of this title (relating to control requirements, inspection requirements, and recording requirements) shall apply to Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

(b) The owner or operator of an affected petroleum refinery shall:

(1) Submit to the executive director a monitoring program plan as soon as practicable, but no later than March 31, 1981. This plan 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) Complete the first weekly, quarterly, and annual monitoring as soon as practicable, but no later than December 31, 1982.

Doc. No. 805966

**Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks in Harris County**

These sections, proposed under the subchapter title "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," have been extensively changed in this final version as the result of comments received on the proposed sections and further TACB consideration. The major changes involve the removal of sections concerning vapor collection systems which have been incorporated in other subchapters, the deletion of reporting requirements, limiting the applicability to Harris County only, and a change in the final compliance date. Specifically, §115.261 has been changed to delete the vapor recovery system requirements and also the testing requirements which were moved to §115.262. The proposed §115.262 on recording requirements has been revised for clarity and moved to §115.263 to make room for the new §115.262 (relating to testing requirements). The proposed §115.263 (relating to reporting requirements) has been deleted. Section 115.264 has been retitled and revised to delete all counties other than Harris and to change the final compliance and control plan submittal dates.

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

**§115.261. Emission Control Requirements.** No person in Harris County shall allow a gasoline tank-truck tank subject to this regulation to be filled or emptied unless the tank being filled or emptied has passed a leak-tight test within the past year as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate which:

(1) shows the date the gasoline tank-truck tank last passed the leak-tight test required by §115.262 of this title (relating to testing requirements); and

(2) shows the identification number of the gasoline tank-truck tank.

**§115.262. Testing Requirements.**

(a) The owner or operator of any gasoline tank truck which loads or unloads at any gasoline terminal, gasoline bulk plant, or motor vehicle fuel dispensing facility in Harris County shall cause each such tank-truck tank to be tested annually to insure that the tank is vapor-tight.

(b) Pressure in the tank must change 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 vacuum of six inches of water (1.5 kPa).

(c) Any tank failing to meet the testing criteria of subsection (b) of this section shall be repaired and retested within 15 days.

**§115.263. Recording Requirements.**

(a) The owner or operator of a gasoline tank truck subject to this regulation shall maintain records of all certification testing and repairs. The records must be maintained for at least two years after the date the testing or repair was completed.

(b) The record of each certification test required by subsection (a) of this section shall, as a minimum, contain:

- (1) company name;
- (2) date and location of the test;
- (3) name and title of person conducting the test;
- (4) the tank identification number;
- (5) the initial test pressure and the time of the reading;

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

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

- (8) the final test vacuum and the time of the reading.

(c) Copies of all records required by this section shall be made available for review by personnel of the Texas Air Control Board or any local air pollution control agency upon request.

**§115.264. Compliance Schedule.** All persons affected by §§115.261-115.263 of this title (relating to emission control requirements, testing requirements, and recording requirements) shall be in compliance as soon as practicable, but no later than December 31, 1982, and shall submit a final control plan for compliance to the Texas Air Control Board no later than March 31, 1981.

Doc. No. 805967

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

As a result of comments received on the compliance dates for the proposed sections in Chapter 115, some of the dates have been changed in the final version. To provide a method of relief for those persons unable to meet these revised compliance dates, a new subsection has been added to §115.422 (relating to control plan procedure), which outlines procedures for obtaining approval of final compliance dates beyond those specified. Otherwise, the sections are identical to those proposed.

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

**§115.421. Superseded Sections.** The provisions of the revised sections of this chapter supersede the provisions of like sections of this chapter which were adopted on April 10, 1973, and modified on December 10, 1976, March 30, 1979, and September 7, 1979. All affected persons must remain in compliance with the provisions of the superseded sections until compliance is achieved with all requirements of superseding sections.

**§115.422. Control Plan Procedure.**

(a) A control plan for compliance shall be submitted, on the compliance status of all emission controls required by this regulation, 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 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.

(b) Final compliance dates beyond the final compliance date specified in this regulation shall be approved by the Texas Air Control Board if the control plan contains a complete justification for a date no later than December 31, 1983, or December 31, 1985, if compliance date extension request is based upon nonavailability of low solvent technology as specified in subsection (b)(3) of this section. Justification may be based upon any of the following:

(1) nonavailability of control equipment in time to meet specified final compliance dates;

(2) accomplishment of control retrofit in connection with first scheduled maintenance, modification, or turnaround at which retrofit is feasible and which occurs later than the specified final compliance date;

(3) for controls based upon low solvent technology, nonavailability of necessary technology. Necessary technology must be estimated to become available in time to allow final compliance within three years of the specified final compliance date.

**§115.423. Control Plan Deviation.** No persons affected by the §115.422 of this title (relating to control plan procedure) shall deviate from the terms of the 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. Except as specified in §115.422(b) of this title (relating to control plan procedure), any control plan that specifies a final compliance date subsequent to the date specified by any sections of this regulation 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 of this title (relating to control plan procedure). 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.

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