

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 "Noncodified."

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

#### Chapter 115. Volatile Organic Compounds

#### Storage of Volatile Organic Compounds in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter entitled Storage of Volatile Organic Compounds in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §115.101 (131.07.51.101) of this title (relating to Control Requirements), to delete reference to Ector County, to restore a vapor recovery system as a specified control option for certain storage tanks in §115.101 (.101) of this title, and to move the exemption from retrofit with secondary seals for certain classes of storage tanks from the tables of required controls in §115.101 (.101) of this title to a paragraph of the exemption section, §115.105 (.104) of this title (relating to Exemptions).

The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The revision to move the exemption would clarify the intent to allow this exemption only for tanks already equipped with the specified types of primary seals and not allow retrofit with these seals as a substitute for the installation of secondary seals.

The vapor recovery system option was unintentionally deleted from the tables in §115.101 (.101) of this title when these tables were last revised.

The TACB staff has determined that there are no fiscal implications to state or local agencies resulting from these revisions.

Public hearings on these amendments, as well as on other proposed revisions published elsewhere, are scheduled for December 11, 1980, at the following times and places:

7 p.m.  
Chamber of Commerce  
Board of Directors meeting room  
400 West 4th  
Odessa, Texas 76761

7 p.m.  
Texas Air Control Board auditorium  
6330 Highway 290 East  
Austin, Texas 78723

6:30 p.m.  
Houston Public Library  
concourse-level meeting room  
500 McKinney  
Houston, Texas 77002

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

Public comment is invited. Written testimony submitted by December 22, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 20 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.

These section changes are proposed under the authority of Article 4477-6, Vernon's Texas Civil Statutes.

*§115.101 (131.07.51.101). [Required] Control Requirements [Devices].* No person shall place, store, or hold in any stationary tank, reservoir, or other container any volatile organic compound (VOC) with a true vapor pressure equal to or greater than 1.5 psia (10.3 kPa) unless such container is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere, or is equipped with at least the control device specified in Table I (for VOC other than crude oil and condensate), or Table II (for crude oil and condensate); *a vapor recovery system*; or any other control device which *provides* [will provide] substantially equivalent control and is approved by the executive director.

(1) Table I.

REQUIRED CONTROL DEVICES FOR STORAGE TANKS FOR  
VOC OTHER THAN CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
<1.5 psia (10.3 kPa)	Any	Any	None
	<1,000 gal (3,800 l)	Any	None
≥1.5 psia [(10.3 kPa)] <u>(10 KPA)</u> and [<4 psia (28 kPa)] <11 PSIA <u>(76 KPA)</u>	>1,000 gal (3,800 l)	Any	Submerged fill.
	≤25,000 gal (94,600 l)		
	>25,000 gal (94,600 l)	Any	Internal or external floating roof (any type) OR VAPOR RECOVERY SYSTEM
	≤42,000 gal (159,000 l)		
			Internal floating roof or [External floating roof with metallic- type shoe seal, or liquid-mounted, liquid filled seal, or liquid mounted foam seal or]
	≥42,000 gal (159,000 l)	[Welded] <u>ANY</u>	

(1) Table I. (Continued)

REQUIRED CONTROL DEVICES FOR STORAGE TANKS FOR  
VOC OTHER THAN CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
			External floating roof with [vapor mounted] primary seal (ANY TYPE) and secondary seal OR VAPOR RECOVERY SYSTEM
		[Riveted]	[Internal floating roof or External floating roof with primary seal (any type) and secondary seal]
	[ $\leq$ 1,000 gal (3,800 l)]	[Any]	[None]
	[ $>$ 1,000 gal (3,800 l)]	[Any]	[Submerged fill]
	[ $\leq$ 25,000 gal (94,600 l)]		
[ $\geq$ 4 psia (28 kPa) and $<$ 11 psia (76 kPa)]	[ $>$ 25,000 gal (94,600 l)]	[Any]	[Internal or external floating roof (any type)]
	[ $\leq$ 42,000 gal (159,000 l)]		

(1) Table I. (Continued)

REQUIRED CONTROL DEVICES FOR STORAGE TANKS FOR  
VOC OTHER THAN CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
	[>42,000 gal (159,000 l)]	[Any]	[Internal floating roof or External floating roof with primary seal (any type) and secondary seal]
	$\leq$ 1,000 gal (3,800 l)	Any	None
$\geq$ 11 psia (76 kPa)	>1,000 gal (3,800 l)	Any	Submerged fill
	$\leq$ 25,000 gal (94,600 l)		
	>25,000 gal (94,600 l)	Any	SUBMERGED FILL AND vapor recovery system

(2) Table II.

REQUIRED CONTROL DEVICES FOR STORAGE TANKS  
FOR CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
<1.5 psia (10.3 kPa)	Any	Any	None
	≤1,000 gal (3,800 l)	Any	None
	>1,000 gal (3,800 l)	ANY	Submerged fill
	≤42,000 gal (159,000 l)		
≥1.5 psia (10 kPa) and [<4 psia (28 kPa)] <11 PSIA (76 KPA)	>42,000 gal (159,000 l)	[Welded] ANY	Internal floating roof or [External floating roof with metallic-type shoe seal, or liquid-mounted, liquid filled seal, or liquid mounted foam seal or] External floating roof with [vapor mounted] primary seal (ANY TYPE) and secondary seal OR VAPOR RECOVERY SYSTEM

(2) Table II. (Continued)

REQUIRED CONTROL DEVICES FOR STORAGE TANKS  
FOR CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
		[Riveted]	[Internal floating roof or External floating roof with primary seal (any type) and secondary seal]
	[≤1,000 gal (3,800 l)]	[Any]	[None]
	[>1,000 gal (3,800 l)]	[Any]	[Submerged fill]
[>4 psia (28 kPa) and <11 psia (76 kPa)]	[≤42,000 gal (159,000 l)]		
	[>42,000 gal (159,000 l)]	[Any]	[Internal floating roof or External floating roof with primary seal (any type) and secondary seal]

(2) Table II. (Continued)

## REQUIRED CONTROL DEVICES FOR STORAGE TANKS FOR CRUDE OIL AND CONDENSATE

True Vapor Pressure of Compound at Storage Conditions	Nominal Storage Capacity	Tank Type	[Minimum] Emission Control Requirements
	≤1,000 gal (3,800 l)	Any	None
	>1,000 gal (3,800 l)	Any	Submerged fill
>11 psia (76 kPa)	≤42,000 gal (159,000 l)		
	>42,000 gal (159,000 l)	Any	SUBMERGED FILL AND vapor recovery system

**§115.105 (131.07.51.104). Exemptions.** The following are exemptions to the requirements of §§115.101 and 115.102 (131.07.51.101 and .102) of this title (relating to [Required] Control *Requirements* [Devices] and Floating Roof Storage Tank Requirements):

(1)-(5) (No change.)

(6) *Any welded tank storing volatile organic compounds having a true vapor pressure less than four psia (28 kPa) is exempt from any external secondary seal requirement of §115.101 (.101) of this title (relating to Control Requirements) if any of the following types of primary seals have been installed prior to August 22, 1980:*

(A) *a metallic-type shoe seal,*

(B) *a liquid-mounted foam seal, or*

(C) *a liquid-mounted liquid filled-type seal.*

[(6) All persons in Ector County are exempt from any double seal requirement of §115.101 (.101) of this title (relating to Required Control Devices).]

**§115.106 (131.07.51.105). Counties and Compliance Schedules.**

(a) The provisions of §§115.101-115.104 (.101-.104) of this title (relating to [Required] Control *Requirements* [Devices], Floating Roof Storage Tank Requirements, Inspection Requirements, and Record-Keeping Requirements) shall apply to Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

(b)-(c) (No change.)

Issued in Austin, Texas, on November 3, 1980.

Doc. No. 808744

Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: After public hearings  
For further information, please call (512) 451-5711, ext. 354.