

(131.02.05.015) of this title (relating to Extension of Time for Exceptions or Briefs); §103.56 (131.02.05.016) of this title (relating to Waiver); §103.57 (131.02.05.017) of this title (relating to Notice of Board Consideration); §103.58 (131.02.05.018) of this title (relating to Evidence Before the Board); §103.59 (131.02.05.019) of this title (relating to Oral Argument Before Board); §103.60 (131.02.05.020) of this title (relating to Final Decisions); §103.61 (131.02.05.021) of this title (relating to When Final; Motion for Rehearing); §103.62 (131.02.05.022) of this title (relating to Time for Final Decision); §103.63 (131.02.05.023) of this title (relating to Ex Parte Consultations). The application will be approved if the applicant provides in the hearing record evidence which, when considered with other evidence presented, substantiates by a preponderance of evidence that emissions resulting from the alternate opacity limit will not result in an exceedance of any ambient air quality standard or other ambient air concentration limit prescribed by the TACB or exacerbate any existing exceedance or cause or contribute to a nuisance as defined in §101.4 (131.01.00.004) of this title (relating to Nuisance) and that:

(1) all applicable mass and concentration limitations are met; and

(2) the facility has failed to meet the applicable opacity limitation during performance tests which were conducted with both the affected facility and the air pollution control equipment needed to comply with TACB regulations operating in a manner consistent with good engineering practice for minimizing the opacity of the emissions; and

(3) it is technically impractical or economically unreasonable for the facility to comply with the established opacity limits.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 811996 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981
Proposal Publication Date: November 11, 1980
For further information, please call (512) 451-5711, ext. 354.

Chapter 114. Motor Vehicles

The Texas Air Control Board amends Regulation IV, §114.2 (131.06.00.002) to provide an exemption for vehicles of Department of Defense (DOD) members who are transferred to or from overseas. This change allows removal of catalytic converters and fuel filler inlet restrictors prior to shipment of vehicles overseas. Also, this change requires all systems or devices used to control vehicle emissions to be restored to good operable condition after return of vehicles to the United States. These proposed amendments were published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4482).

The proposed period of five days allowed for removal and reinstallation of the specified items was lengthened to 30 days and references to exportation and return of a vehicle were modified to indicate delivery to and pick up from a port of entry. These changes in the proposed exemption were suggested to clarify the section and to enhance its applicability and enforcement.

These amendments are adopted under the authority of Texas Civil Statutes, Article 4477-5.

§114.2 (131.06.00.002). Exclusions and Exemptions.

(a) This chapter does not apply to motor vehicles or motor vehicle engines which are intended solely or primarily for use on a farm or ranch; or for legally sanctioned motor competitions; for research and development uses; or for instruction in a bona fide vocational training program where the use of a system or device would be detrimental to the purpose for which the vehicle or engine is intended to be used.

(b) Vehicles belonging to members of the U.S. Department of Defense (DOD) participating in the DOD Privately Owned Vehicle Import Program are exempt from the provisions of §114.1 (131.06.00.001) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used To Control Emissions from Motor Vehicles) if the following conditions are met:

(1) only the catalytic converter and the fuel filler restrictor inlet are removed from the vehicle;

(2) the vehicle is delivered to the appropriate port for overseas shipment within 30 days after the emission control device(s) is removed;

(3) if the vehicle is returned to the United States, all systems or devices used to control emissions from the vehicle are restored to good operable condition within 30 days of pick-up of the vehicle from the appropriate port of importation.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 811998 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981
Proposal Publication Date: November 11, 1980
For further information, please call (512) 451-5711, ext. 354.

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

Revisions to this subchapter are adopted as proposed in the November 21, 1980, issue of the *Texas Register* (5 TexReg 4483) except for the metric conversion round-off at the 1.5 psia vapor pressure level in Tables I and II of §115.101 (131.07.51.101) which was withdrawn. "Submerged fill" is changed to "submerged fill pipe" to be consistent with the definition in the general rules. The word "pipe" was deleted from the previous regulation by mistake and was not discovered in time to include in the proposed regulation revisions.

These amendments are adopted under the authority of Texas Civil Statutes, Article 4477-5.

§115.101 (131.07.51.101). *Control Requirements.* 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 substantially equivalent control and is approved by the executive director.

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	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) and <11 psia (76 kPa)	>1,000 gal (3,800 l)	Any	Submerged fill pipe
	≤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)		
>42,000 gal (159,000 l)	Any	Internal floating roof or External floating roof with primary seal (any type) <u>and</u> secondary seal or vapor recovery system	
≥11 psia (76 kPa)	≤1,000 gal (3,800 l)	Any	None
	>1,000 gal (3,800 l)	Any	Submerged fill pipe, or vapor recovery system
	≤25,000 gal (94,600 l)		
	>25,000 gal (94,600 l)	Any	Submerged fill pipe, and vapor recovery system

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	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)	> 1,000 gal (3,800 l)	Any	Submerged fill pipe
	≤ 42,000 gal (159,000 l)		
and			Internal floating roof or
< 11 psia (76 kPa)	> 42,000 gal (159,000 l)	Any	External floating roof with primary seal (any type) <u>and</u> secondary seal or vapor recovery system
≥ 11 psia (76 kPa)	≤ 1,000 gal (3,800 l)	Any	None
	> 1,000 gal (3,800 l)	Any	Submerged fill pipe
	≤ 42,000 gal (159,000 l)		
	> 42,000 gal (159,000 l)	Any	Submerged fill pipe 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 Control Requirements 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 (131.07.51.101) 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.

§115.106 (131.07.51.105). Counties and Compliance Schedules.

(a) The provisions of §§115.101-115.104 (131.07.51.101-.104) of this title (relating to Control Requirements, Floating Roof Storage Tank Requirements, Inspection Requirements, and Record-keeping Requirements) shall apply to Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

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

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 811999 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981

Proposal Publication Date: November 21, 1980

For further information, please call (512) 451-5711, ext. 354.

Facilities for Loading and Unloading 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 adopts amendments to §115.111 and §115.113 (131.07.52.101 and .104) without changes to the proposed text published in the December 9, 1980, issue of the *Texas Register* (5 TexReg 4877).

The proposed amendments are adopted under the authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 812000 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981

Proposal Publication Date: December 9, 1980

For further information, please call (512) 451-5711, ext. 354.

Water Separation in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board adopts an amendment to §115.144 (131.07.55.106) without changes to the proposed text published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4483).

The proposed amendment is adopted under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 812001 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981

Proposal Publication Date: November 11, 1980

For further information, please call (512) 451-5711, ext. 354.

Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board adopts an amendment to §115.153 (131.07.56.104) without any change to the proposed text published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4484).

The proposed amendment is adopted under the authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 812002 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981

Proposal Publication Date: November 11, 1980

For further information, please call (512) 451-5711, ext. 354.

Vent Gas Control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board adopts amendments to §115.162 (131.07.58.102) without changes to the proposed text published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4484).

The proposed amendments are adopted under the authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 812003 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective Date: April 16, 1981

Proposal Publication Date: November 11, 1980

For further information, please call (512) 451-5711, ext. 354.

Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board adopts amendments to §§115.173, 115.175, and 115.176 (131.07.59.103, .106, and .105) without changes to the proposed text published in the November 14, 1980, issue of the *Texas Register* (5 TexReg 4531).