



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 59. Parks

Sea Rim State Park Hunting, Fishing, and Trapping Proclamation

The Texas Parks and Wildlife Commission proposes to amend §59.211 and §59.215 which constitute part of the Sea Rim State Park hunting, fishing, and trapping proclamation. These amendments will increase the open season for migratory birds at Sea Rim State Park from one day to three days per week during the time period designated by proclamation. The amendments are proposed to give the public a greater opportunity for recreational hunting.

The Parks Division staff has determined that the amendments will have no fiscal implications for state or local units of government.

Comments are invited and may be submitted by contacting Larry R. Jones, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4854. Comments must be received within 30 days of publication of this proposal in the *Texas Register*.

The following amendments are proposed under authority of the Texas Parks and Wildlife Code, Chapter 62, Subchapter D.

§59.211. *Open Seasons and Bag Limits: Migratory Birds.*

(a) (No change.)

(b) The open season for migratory birds *will* [shall] be from 30 minutes before sunrise to noon *on each Wednesday, Friday, and Sunday during a time period which is designated by proclamation by the Parks and Wildlife Commission as the current open season for migratory birds in Jefferson County, Texas.* [during the months of November, December, and January. The dates will be set annually in accordance with federal guidelines.]

(c) (No change.)

§59.215. *Effective Date.* These rules are effective *on and after the first day of October 1981* [October 10, 1977, and shall remain in effect until amended, modified, or revoked].

Issued in Austin, Texas, on July 30, 1981.

Doc. No. 815207 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Proposed Date of Adoption: September 7, 1981
For further information, please call (512) 479-4806.

Part III. Texas Air Control Board

Chapter 115. Volatile Organic Compounds

(Editor's note: Proposed additions, repeals, and amendments submitted by the Texas Air Control Board have been published serially beginning in the August 4 issue. Chapters affected by this action are listed below. The proposals will be adopted following public hearings on August 31 and September 8. Submissions affecting Chapter 115 appear in this issue.)

Chapter 101. General Provisions

Chapter 111. Particulates

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Chapter 115. Volatile Organic Compounds

Counties in Other Than Ozone Nonattainment Areas

Storage of Volatile Organic Compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Loading and Unloading Facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Water Separation in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Vent Gas Control in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties

Exemption in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

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

Facilities for Loading and Unloading of Volatile Organic Compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Filling of Gasoline Storage Vessels (Stage I) for Motor Fuel Dispensing Facilities in Brazoria, Dallas, Galveston, Harris, and Tarrant Counties

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

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

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

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

Surface-Coating Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Graphic Arts (Printing) by Rotogravure and Flexographic Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

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

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

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

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

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

The Texas Air Control Board proposes to amend Chapter 115 concerning volatile organic compounds.

Bexar County now meets the ozone standard and the TACB has recommended that Bexar be classified as an "attainment" county. Since Bexar County is one of the original Regulation V controlled counties, the TACB proposes to add Bexar County to the Regulation V sections relating to "counties in other than ozone nonattainment areas" as a result of the proposed change in classification. Simultaneously in this *Texas Register*, the TACB is proposing to delete Bexar County from the Regulation V sections relating to ozone nonattainment counties.

There are no anticipated increased costs to state or local agencies resulting from this revision (source: TACB staff).

Public hearing on these amendments, as well as other proposed revisions, are scheduled for the following times and places:

August 31, 1981, 7 p.m.
Texas Air Control Board auditorium
6330 Highway 290 East
Austin, Texas 78723

September 8, 1981, 7 p.m.
Central Jury Room, second floor
Bexar County Courthouse
San Antonio, Texas 78205
(entrance by sheriff's office)

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, both oral and written, on the proposed amendment is invited at the hearings. Written testimony submitted by September 14, 1981, 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.

Counties in Other Than Ozone Nonattainment Areas

The Texas Air Control Board proposes to amend the subchapter concerning counties in other than ozone nonattainment areas to delete a redundant reference to §115.61 and §115.62; to remove a reference to §115.71 which was previously repealed; and to include reference to Bexar County.

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

§115.1 (131.07.01.101). Counties Affected. [Except for §115.61 and §115.62 of this title (relating to Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties)] The rules in §§115.11-115.13 of this title (relating to Storage of Volatile Organic Compounds in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §115.21 and §115.22 of this title (relating to Loading and Unloading Facilities in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §115.31 and §115.32 of this title (relating to Water Separation in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §§115.41-115.45 of this title (relating to Vent Gas Control in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio and Travis Counties), [§115.71 of this title (relating to Procedure).] §115.81 of this title (relating to Exemption Qualification), and §115.91 of this title (relating to Compliance Schedule and Counties) shall apply only in the following counties: Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis. Sections 115.61 and 115.62 of this title (relating to Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties), shall apply only in Hardin, Matagorda, Montgomery, and San Patricio Counties.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815074 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Storage of Volatile Organic Compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title of the subchapter concerning storage of volatile organic compounds in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties to include reference to Bexar County. Bexar County now meets the ozone standard and the TACB has recommended that Bexar be classified as an "attainment" county.

The undesigned heading change is proposed under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815075 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Loading and Unloading Facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title of the subchapter concerning loading and unloading facilities in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties to include reference to Bexar County. Bexar County now meets the ozone standard and the TACB has recommended that Bexar be classified as an "attainment" county.

The undesignated heading change is proposed under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815076 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Water Separation in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title of the subchapter concerning water separation in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties to include reference to Bexar County. Bexar County now meets the ozone standard and the TACB has recommended that Bexar be classified as an "attainment" county.

The undesignated heading change is proposed under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815077 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Vent Gas Control in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning vent gas control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties to change the title of §115.41 (131.07.05.101) from "Ethylene" to "Ethylene from Low-Density Polyethylene Production" to clarify the type of industry controlled; to revise references to §115.41 (131.07.05.101) to

reflect the new title; to make metric equivalents more accurately reflect metric conversion from English units; to clarify the source of emissions; to change a reference from a previously deleted §115.71 to a previously revised §115.401 concerning alternate means of control; to include reference to Bexar County; and to make other minor editorial changes.

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

§115.41 (131.07.05.101). Ethylene from Low-Density Polyethylene Production. No person *may allow to be emitted* [shall emit] more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1,000 kg) of low-density polyethylene plant product from all vent gas streams associated with the formation, handling, and storage of solidified product unless the vent gas streams are burned at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare or a direct-flame incinerator or are controlled by an approved substantially equivalent alternate method.

§115.42 (131.07.05.102). General Vent Gas Streams. Except for process vent gas streams affected by the provisions of §115.41 of this title (relating to Ethylene from Low-Density Polyethylene Production), no person *may allow* [shall emit] a vent gas stream *to be emitted* from any process vent containing one or more of the specific volatile organic compounds listed in paragraph (1) of this section or one or more compounds which are members of one or more of the classes of volatile organic compounds listed in paragraph (2) of this section unless the vent gas stream is burned properly at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare or a direct-flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the executive director in accordance with **§115.401** [§115.71] of this title (relating to Procedure).

(1)-(2) (No change.)

(3) The following vent gas streams are exempt from the requirements of this section:

(A) A vent gas stream having a combined weight of the volatile organic compounds or classes of compounds specified in paragraphs (1) and (2) of this section equal to or less than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period.

(B) A vent gas stream having a combined weight of the volatile organic compounds or classes of compounds specified in paragraphs (1) and (2) of this section greater than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period but less than 250 pounds (113.4 [113] kg) per hour averaged over any consecutive 24-hour period and having a true vapor pressure of the volatile organic compounds specified in paragraphs (1) and (2) of this section less than 0.44 psia (3.0 kPa).

§115.43 (131.07.05.103). Vent Gas Streams from Catalyst Regeneration, Basic Oxygen Furnace, and Fluid Coking Units. No person *may allow to be emitted* [shall emit] in any one calendar year more than five tons (4536 kg) of total volatile organic compounds in a vent gas stream from any catalyst regeneration of a petroleum or chemical process system, basic oxygen furnace, or fluid coking unit into the atmosphere unless the vent gas stream is properly burned at a temperature equal to or greater than 1,300°F (704°C) in a direct-flame incinerator or boiler.

§115.44 (131.07.05.104). Vent Gas from Iron Cupolas. No person *may allow* [shall emit] a vent gas stream *to be emitted* from any iron cupola into the atmosphere unless the vent gas stream is properly burned at a temperature equal to or greater than 1,300°F (704°C) in an afterburner having a retention time of at least 1/4 of a second, and having a steady flame that is not affected by the cupola charge and relights automatically if extinguished.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815078 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties

The Texas Air Control Board proposes to amend the subchapter concerning storage of crude oil or condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties to delete a redundant reference to nonmethane volatile organic compound vapors.

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

§115.61 (131.07.06.101). Required Control Devices. No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 420,000 gallons (1,589,873 liters) nominal capacity crude oil or condensate having a true vapor pressure equal to or greater than 1.5 psia (10.3 kPa) 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 equipped with one of the following vapor-loss control devices, properly maintained and operated:

(1) (No change.)

(2) A vapor recovery system which reduces the emissions such that the true vapor pressure of all [nonmethane] volatile organic compound vapors in vent gases emitted to the atmosphere will not exceed a level of 1.5 psia (10.3 kPa).

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815079 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Exemption in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title of the subchapter exemption in Aransas, Calhoun, Hardin,

Matagorda, Montgomery, San Patricio, and Travis Counties to include reference to Bexar County. Bexar County now meets the ozone standard and the TACB has recommended that Bexar be classified as an "attainment" county.

The undesignated heading change is proposed under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815080 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning compliance in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties to include reference to Bexar County.

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

§115.91 (131.07.09.101). Compliance Schedule and Counties. Except for the following, all persons shall be in compliance with §115.1 of this title (relating to Counties Affected), §§115.11-115.13 of this title (relating to Storage of Volatile Organic Compounds in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §115.21 and §115.22 of this title (relating to Loading and Unloading Facilities in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §115.31 and §115.32 of this title (relating to Water Separation in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §§115.41-115.45 of this title (relating to Vent Gas Control in Aransas, *Bexar*, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties), §115.61 and §115.62 of this title (relating to Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties), and §115.81 of this title (relating to Exemption Qualification) on the effective date of this superseding regulation, which replaces Regulation V as adopted on April 10, 1973, and last modified on December 10, 1976:

(1)-(2) (No change.)

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815081 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning storage of volatile organic compounds in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County; to delete an unnecessary column (Tank Type) from Tables I and II; to make metric equivalents more accurately reflect metric conversion from English units; to clarify the secondary seal requirements and the type of inspection required in §115.102; to clarify the applicability of record-keeping requirements in §115.104; to specify the effective date of §115.105(4); and to make other minor editorial changes.

The amendments are proposed 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.

§115.102 (131.07.51.102). Floating Roof Storage Tank Requirements. For floating roof storage tanks subject to the provisions of §115.101 of this title (relating to Control Requirements) the following requirements shall apply:

(1)-(4) (No change.)

(5) There shall be no visible holes, tears, or other openings in *any* [the] seal or seal fabric.

(Editor's note: See tables on pages 2876 and 2877.)

(6) **Secondary seals shall be of the rim-mounted type** [For secondary seals,] (the seal shall be continuous from the floating roof to the tank wall). [(rim-mounted secondary seal), with an] **The accumulated area of gaps that exceed 1/8 inch (0.32 [0.3] cm) in width between the secondary seal and tank wall shall be no greater than 1.0 square inch per foot (21 square centimeters/meter) of tank diameter.**

§115.103. Inspection Requirements. **All secondary seals used to comply with the requirements of** [The following inspection requirements apply to secondary seals required by] §115.101 of this title (relating to Control Requirements):

(1) All secondary seals shall be inspected annually to insure compliance with **paragraphs** [paragraph] (5) **and (6)** of §115.102 of this title (relating to Floating Roof Storage Tank Requirements).

(1)(2) If the primary seal is vapor mounted, **the secondary seal gap area** [measurements] shall be **physically measured** [conducted] annually to insure compliance with paragraph (6) of §115.102 of this title (relating to Floating Roof Storage Tank Requirements).

(2) **If the tank is equipped with a metallic-type shoe or liquid-mounted primary seal, compliance with**

paragraph (6) of §115.102 of this title (relating to Floating Roof Storage Tank Requirements) can be determined by visual inspection.

§115.104. Record-Keeping Requirements. The owner or operator of any storage vessel with an external floating roof **which is exempted from the requirement for secondary seal and used to store volatile organic compounds** [petroleum liquids] with a true vapor pressure [of] greater than 1.0 psia (6.9 kPa) shall maintain records of the type of VOC stored and the average monthly true vapor pressure of the stored liquid, as well as the results of any inspections required by §115.103 of this title (relating to Inspection Requirements). 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 or both.

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

(1) Crude oil and condensate, prior to custody transfer, are exempt from all provisions of §115.101 of this title (relating to Control Requirements) if stored in tanks with a nominal capacity less than 210,000 gallons (**794,936** [795,000] liters).

(2) (No change.)

(3) Storage containers which have a capacity of less than 25,000 gallons (**94,635** [95,000] liters) located at motor vehicle fuel dispensing facilities are exempt from the requirements of §115.101 of this title (relating to Control Requirements).

(4) A welded tank with a metallic-type shoe primary seal which has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary seal) is exempt from the requirements of §115.101 of this title (relating to Control Requirements) for retrofit with a rim-mounted secondary seal if the shoe-mounted secondary seal is installed or scheduled for installation before **August 22, 1980** [the effective date of this section].

(5) (No change.)

(6) Any welded tank storing volatile organic compounds having a true vapor pressure less than 4 psia (**27.6** [28] kPa) is exempt from any external secondary seal requirement of §115.101 of this title (relating to Control Requirements) if any of the following types of primary seals have been installed **before** [prior to] August 22, 1980:

(A)-(C) (No change.)

§115.106 (131.07.51.105). Counties and Compliance Schedules.

(a) The provisions of §§115.101-115.104 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 July 24, 1981.

Doc. No. 815082 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

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
≥1.5 psia (10.3 kPa) and <11 psia [(76 kPa)] (75.8 KPA)	≤1,000 gal [(3,800 l)] (3,785 L)	[Any]	None
	>1,000 gal [(3,800 l)] (3,785 L) ≤25,000 gal [(94,600 l)] (94,635 L)	[Any]	Submerged fill pipe
	>25,000 gal [(94,600 l)] (94,635 L) ≤42,000 gal [(159,000 l)] (158,987 L)	[Any]	Internal or external floating roof (any type) or vapor recovery system
	>42,000 gal [(159,000 l)]/ (158,987 L)	[Any]	Internal floating roof or External floating roof with primary seal (any type) and secondary seal or vapor recovery system
≥11 psia [(76 kPa)] (75.8 KPA)	≤1,000 gal [(3,800 l)] (3,785 L)	[Any]	None
	>1,000 gal [(3,800 l)] (3,785 L) ≤25,000 gal [(94,600 l)] (94,635 L)	[Any]	Submerged fill pipe, or vapor recovery system
	>25,000 gal [(94,600 l)] (94,635 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
≥1.5 psia (10.3 kPa) and <11 psia [(76kPa)] (75.8 KPA)	≤1,000 gal [(3,800 l)] (3,785 L)	[Any]	None
	>1,000 gal [(3,800 l)] (3,785 L)	[Any]	Submerged fill pipe
	≤42,000 gal [(159,000 l)] (158,987 L)	[Any]	Internal floating roof or External floating roof with primary seal (any type) and secondary seal or vapor recovery system
≥11 psia [(76 kPa)] (75.8 KPA)	≤1,000 gal [(3,800 l)] (3,785 L)	[Any]	None
	>1,000 gal [(3,800 l)] (3,785 L)	[Any]	Submerged fill pipe
	≤42,000 gal [(159,000 l)] (158,987 L)	[Any]	Submerged fill pipe and vapor recovery system
	>42,000 gal [(159,000 l)] (158,987 L)	[Any]	Submerged fill pipe and vapor recovery system

Facilities for Loading and Unloading of Volatile Organic Compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning 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 to delete reference to Bexar County and to make metric equivalents more accurately reflect metric conversion from English units.

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

§115.111 (131.07.52.101). Throughput and Control Requirements. No person shall permit the loading or unloading to or from any facility having 20,000 gallons (**75,708** [75,700] liters) or more throughput per day (averaged over any consecutive 30-day period) of volatile organic compounds with a

true vapor pressure equal to or greater than 1.5 psia (10.3 kPa) under actual storage conditions, unless the following emission control requirements are met by the dates specified in §115.113 of this title (relating to Compliance Schedule and Counties):

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

§115.113 (131.07.52.104). Compliance Schedule and Counties. All affected persons in the counties and for the facilities specified as follows shall be in compliance with the section paragraphs specified as follows as soon as practicable but no later than the date shown:

(Editor's note: See table on page 2879.)

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815083

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

Proposed Date of Adoption: Following August 31
and September 8 public hearings

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

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
Paragraphs (1) and (3) of §115.111 of this title (relating to Throughput and Control Requirements).	Volatile Organic Compound Loading Facilities	[Bexar,] Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Victoria., Tarrant	12/31/73 2/29/80	Previously Submitted Previously Submitted
Paragraphs (2) and (3) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	[Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Orange, Nueces, Tarrant, and Victoria.	12/31/82	12/31/79
Paragraph (4) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	[Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria.	12/31/82	7/1/81
Paragraph (5) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Harris	12/31/82	7/1/81

Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in Brazoria, Dallas, Galveston, Harris, and Tarrant Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Bexar, Brazoria, Dallas, Galveston, Harris, and Tarrant Counties to delete reference to Bexar County; to make metric equivalents more accurately reflect metric conversion from English units; and to make other minor editorial changes.

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

§115.131 (131.07.54.101). Control Requirements. No person shall transfer, or allow the transfer of, gasoline from any delivery vessel into a stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 [3,800]

liters) which is located at a motor vehicle fuel dispensing facility unless the following conditions are met:

(1)-(3) (No change.)

§115.134 (131.07.54.104). Exemptions. Transfers to the following stationary receiving containers are exempt from the requirements of §115.131 of this title (relating to Control Requirements):

(1)-(2) (No change.)

(3) Stationary containers of nominal capacity less than 2,000 gallons (7,571 [7,600] liters) if installed before December 10, 1976.

(4) Stationary storage tanks located at a facility which dispenses less than 120,000 gallons (454,249 liters) of gasoline per year.

§115.135 (131.07.54.105). Compliance Schedule and Counties. All affected persons in the counties shown in the following table will be in compliance with the provisions of §115.131 of this title (relating to Control Requirements) and §115.132 of this title (relating to Approved Vapor Balance System) as soon as practicable but no later than the dates shown:

Rule Paragraphs	Counties Where Applicable	Final Compliance Date
All except §115.131(3), §115.132(4), §115.132(6), and §115.132(7)	[Bexar,] Brazoria Galveston, Harris	Aug. 31, 1978
	Dallas, Tarrant	Feb. 29, 1980
§115.132(4)	[Bexar,] Brazoria Dallas, Galveston, Harris, Tarrant	Dec. 31, 1981
§115.131(3), §115.132(6), and §115.132(7)	Harris	Dec. 31, 1982

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815084 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and September 8 public hearings

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

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning water separation in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County and to replace obsolete references to "carbon compound" with "organic compound" as used elsewhere in Regulation V.

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

§115.141 (131.07.55.101). Facilities Other Than Petroleum Refineries. No person shall use any compartment of any single or multiple compartment volatile *organic* [carbon] compound water separator, which compartment receives 200 gallons (757 liters) or more of volatile organic compounds a day having a true vapor pressure equal to or greater than 1.5 psia (10.3 kPa) from any equipment in a facility other than a petroleum refinery which is processing, treating, storing, or

handling volatile organic compounds, unless such compartment is controlled in one of the following ways:

(1)-(3) (No change.)

§115.142 (131.07.55.103). Petroleum Refineries. No person shall use any compartment of any single or multiple compartment volatile *organic* [carbon] compound water separator, which compartment receives 200 gallons (757 liters) or more of volatile organic compounds a day having a true vapor pressure of 0.5 psia (3.4 kPa) or greater from any equipment in a petroleum refinery which is processing, refining, treating, storing, or handling volatile organic compounds, unless such compartment is controlled in one of the following ways:

(1)-(2) (No change.)

§115.144 (131.07.55.106). Compliance Schedule and Counties. All persons in the counties listed as follows will be in compliance with *the provisions of §115.141 (131.07.55.101) of this title (relating to Facilities Other Than Petroleum Refineries) and §115.142 (131.07.55.106) of this title (relating to Petroleum Refineries)* [this chapter] as soon as practicable but no later than the dates shown:

Rule	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
§115.141 of this title (relating to Facilities Other Than Petroleum Refineries)	[Bexar,] Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange and Victoria	12/31/73	Previously Submitted
	Tarrant	2/29/80	Previously Submitted
§115.142 (relating to Petroleum Refineries)	[Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria	12/31/82	12/31/79

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815085 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning process unit turnaround and vacuum-producing systems in petroleum refineries in ozone nonattainment areas, to delete reference to Bexar County; to make metric equivalents more accurately reflect metric conversion from English units; and to clarify the source of emissions.

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

§115.152 (131.07.56.102). *Vacuum-Producing Systems.*

(a) No person *may allow to be emitted* [shall emit] more than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period of any volatile organic compound from a steam ejector or mechanical vacuum pump in a petroleum refinery unless the vent stream is burned at a temperature equal to or greater than 1300°F (704°C) in a smokeless flare or a direct-flame incinerator, or is controlled by an approved substantially equivalent alternate method.

(b) No person *may allow to be emitted* [shall emit] more than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period of any volatile organic compound from a hotwell with a contact condenser unless the hotwell is covered and the vapors from the hotwell are burned at a temperature equal to or greater than 1300°F (704°C) in a smokeless flare or a direct-flame incinerator, or are controlled by an approved substantially equivalent alternate method.

§115.153 (131.07.56.104). *Compliance Schedule and Counties.* The provisions of this subchapter shall apply to [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons therein shall be in compliance with this subchapter as soon as practicable but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815086 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning vent gas control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County; to delete an erroneous reference to Gregg County from the subchapter title; to

change the title of §115.161 (131.07.58.101) from Ethylene to Ethylene from Low-Density Polyethylene Production to clarify the type of industry controlled; to revise references in §115.161 (131.07.58.101) to reflect the new title; to make metric equivalents more accurately reflect metric conversion from English units; to clarify the source of emissions; and to make other minor editorial changes.

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

§115.161 (131.07.58.101). *Ethylene from Low-Density Polyethylene Production.* No person *may allow to be emitted* [shall emit] more than 1.1 pounds of ethylene per 1,000 pounds of low-density polyethylene plant product (1.1 kg/1,000 kg) from all vent gas streams associated with the formation, handling, and storage of solidified product unless the vent gas streams are burned at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare, a direct-flame incinerator, or are controlled by an approved substantially equivalent alternate method.

§115.162 (131.07.58.102). *General Vent Gas Streams.* Except for process vent gas streams affected by the the provisions of §115.161 (131.07.58.101) of this title (relating to *Ethylene from Low-Density Polyethylene Production*), no person *may allow* [shall emit] a vent gas stream *to be emitted* from any process vent containing one or more of the specific volatile organic compounds listed in paragraph (1) of this section or one or more compounds which are members of one or more of the classes of volatile organic compounds listed in paragraph (2) of this section unless the vent gas stream is burned properly at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare or a direct-flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the executive director in accordance with §115.401 of this title (relating to Procedure).

(1)-(2) (No change.)

(3) The following vent gas streams are exempt from the requirements of this section:

(A) a vent gas stream having a combined weight of the volatile organic compounds or classes of compounds specified in paragraphs (1) and (2) of this section equal to or less than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period;

(B) a vent gas stream having a combined weight of the volatile organic compounds or classes of compounds specified in paragraphs (1) and (2) of this section greater than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period but less than 250 pounds (113.4 [113] kg) per hour averaged over any consecutive 24-hour period and having a true vapor pressure of the volatile organic compounds specified in paragraphs (1) and (2) of this section less than 0.44 psia (3.0 kPa).

§115.163 (131.07.58.104). *Compliance Schedule and Counties.* The provisions of §115.161 (131.07.58.101) (relating to *Ethylene from Low-Density Polyethylene Production*) and §115.162 (131.07.58.102) of this title (relating to *General Vent Gas Streams*) [this subchapter] shall apply in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

(1) All affected persons within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Victoria Counties shall be in compliance with

§115.161 (131.07.58.101) of this title (relating to Ethylene *from Low-Density Polyethylene Production*) and §115.162 (131.07.58.102) of this title (relating to General Vent Gas Streams) by May 31, 1975.

(2) All affected persons in Tarrant County shall be in compliance with §115.161 (131.07.58.101) of this title (relating to Ethylene *from Low-Density Polyethylene Production*) and §116.162 (131.07.58.102) of this title (relating to General Vent Gas Streams) by February 29, 1980.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815087 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings

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

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning specified solvent-using processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County; and to make metric equivalents more accurately reflect metric conversion from English units or metric units as given in EPA control technique guidelines.

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

§115.173 (131.07.59.103). *Open-Top Vapor Degreasing.*

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the open-top vapor cleaning of objects without the following controls:

(1)-(3) (No change.)

(4) One of the following controls:

(A) a freeboard ratio (the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75 and, if the degreaser opening is greater than 10 feet² (1 [0.9] m²), a powered cover;

(B)-(D) (No change.)

(5) (No change.)

(b) (No change.)

§115.175 (131.07.59.106). *Exemptions.*

(a) Degreasing operations located on any property in any affected county except Harris which can emit, when uncontrolled, a combined weight of volatile organic compounds less than 550 pounds (249.5 [250] kg) in any consecutive 24-hour period are exempt from the provisions of §115.172 (131.07.59.102) of this title (relating to Cold Solvent Cleaning); §115.173 (131.07.59.103) of this title (relating to Open-Top Vapor Degreasing); and §115.174 (131.07.59.104) of this title (relating to ConveyORIZED Degreasing).

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

(d) Any open-top vapor degreaser with an open area less than 10 feet² (1 [0.9] m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.173(a)(4)(B) and (D) (131.07.59.103(a)(4)(B) and (D) of this title (relating to Open-Top Vapor Degreasing).

(e) (No change.)

§115.176 (131.07.59.105). *Counties and Compliance Schedule.*

(a) The provisions of §115.171 (131.07.59.101) of this title (relating to Cutback Asphalt) shall apply only within [Bexar,] Brazoria, Dallas, El Paso, Jefferson, Galveston, Harris, Nueces, Orange, and Tarrant Counties. All affected persons shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1982.

(b) The provisions of §115.172 (131.07.59.102) of this title (relating to Cold Solvent Cleaning), §115.173 (131.07.59.103) of this title (relating to Open-Top Vapor Degreasing), and §115.174 (131.07.59.104) of this title (relating to ConveyORIZED Degreasing) shall apply only within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with these sections as soon as practicable but no later than December 31, 1982.

Issued in Austin, Texas, on July 24, 1982.

Doc. No. 815088 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings

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

Surface Coating Processes Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning surface coating processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County; to clarify compliance dates and make specification of compliance dates consistent throughout the subchapter; to clarify the basis of emission limits; to clarify who is to submit design data; and to make metric equivalents more accurately reflect metric conversion from English units.

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

§115.191 (131.07.60.101). *Emission Limitations.* No person may cause, suffer, allow, or permit volatile organic compound emissions from the surface coating processes (defined in §101.1 of this title (relating to Definitions)) affected by paragraphs (1) through (10) of this section to exceed the specified emission limits, which are based on a daily weighted average, except for those in paragraph (10) of this section which are based on paneling surface area.

(1)-(6) (No change.)

(7) Can coating.

(A) *The following volatile organic compound emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water) applied, as soon as practicable but no later than December 31, 1982:* [On or before December 31, 1982, the following emission limits shall apply on the basis of solvent content (gallons of coating minus water).]

Affected Operation	VOC Emission Limitation	
	Pounds per Gallon	Kg per Liter
sheet basecoat (exterior and interior) and over-varnish	4.0	0.49
two-piece can exterior (basecoat and over-varnish)	2.8	0.34
two- and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	4.2	0.51
three-piece can side-seam spray	5.5	0.66
end sealing compound	4.2	0.50

(B) *The following volatile organic compound emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water) applied, as soon as practicable but no later than December 31, 1985:* [After December 31, 1982, the following emission limits shall apply on the basis of solvent content (gallons of coating minus water).]

Affected Operation	VOC Emission Limitation	
	Pounds per Gallon	Kg per Liter
sheet basecoat (exterior and interior) and over-varnish	2.8	0.34
two-piece can exterior (basecoat and over-varnish)	2.8	0.34
two- and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	4.2	0.51
three-piece can side-seam spray	5.5	0.66
end sealing compound	3.7	0.44

(8) Automobile and light-duty truck coating.

(A) *The following volatile organic compound emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water) applied, as soon as practicable but no later than December 31, 1982:* [On or before December 31, 1982, the following emission limits shall apply:]

Operation (including application flashoff, and oven areas)	VOC Emission Limitation	
	Pounds per Gallon	Kg per Liter
prime application	1.2	0.16
primer surfacer application	3.0	0.36
topcoat application	5.0	0.60
final repair application	6.5	0.78

(B) *The following volatile organic compound emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water) applied, as soon as practicable but no later than December 31, 1986:* [After December 31, 1982, the following emission limits shall apply:]

Operation (including application flashoff, and oven areas)	VOC Emission Limitation	
	Pounds per Gallon	Kg per Liter
prime application	1.2	0.16
primer surfacer application	2.5	0.34
topcoat application	2.8	0.34
final repair application	4.8	0.58

(9)-(10) (No change.)

§115.192 (131.07.60.103). Control Techniques. If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, the volatile organic compound capture and abatement system

shall be at least 80% efficient overall. *The owner/operator of any [All] surface coating facility [facilities] shall submit design data for each capture system and emission control device which is [are] proposed for use to the executive director for approval.*

§115.193 (131.07.60.104). Exemptions.

(a) Surface coating operations located at any facility in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, (or Victoria County which, when uncontrolled, will emit a combined weight of volatile organic compounds less than 550 pounds (249.5 [249] kg) in any consecutive 24-hour period are exempt from the provisions of §115.191 (131.07.60.101) of this title (relating to Emission Limitations).

(b) Surface coating operations located at any facility in Harris County which when uncontrolled will emit a combined weight of volatile organic compounds less than 100 pounds (45.4 [45] kg) in any consecutive 24-hour period are exempt from the provisions of §115.191 (131.07.60.101) of this title (relating to Emission Limitations).

(c)-(f) (No change.)

§115.194 (131.07.60.102). Compliance Schedule and Counties.

(a) All affected persons within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with §§115.191-115.194 of this title (relating to Surface Coating Processes in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties), except for §115.191(7)(B) and (8)(B) of this title (relating to Emission Limitations), as soon as practicable but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(b)-(d) (No change.)

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815089 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and September 8 public hearings

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

Graphic Arts (Printing) by Rotogravure and Flexographic Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning graphic arts (printing) by rotogravure and flexographic processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County.

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

§115.203 (131.07.61.103). Compliance Schedule and Counties. The provisions of §115.201 (131.07.61.101) of this title (relating to Control Requirements) shall apply within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance as soon as practicable, but no later than December 31, 1982.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815090 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning perchloroethylene dry cleaning systems in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County and to make metric equivalents more accurately reflect metric conversion from English units.

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

§115.222. Exemptions.

(a)-(b) (No change.)

(c) Any perchloroethylene dry cleaning facility located in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria Counties which, when uncontrolled, would emit a combined weight of volatile organic compounds of less than 550 pounds (249.5 [250] kg) in any consecutive 24-hour period is exempt from the provisions of §115.221 of this title (relating to Control Requirements).

§115.223. Compliance Schedule and Counties. The provisions of §115.221 of this title (relating to Control Requirements) shall apply only within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit to the Texas Air Control Board a control plan for compliance with these provisions no later than December 31, 1980, and shall be in compliance as soon as practicable but no later than December 31, 1982.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815091 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning pharmaceutical manufacturing facilities in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County and to make metric equivalents more accurately reflect metric conversion from English units.

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

§115.231. Control Requirements. The owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls for the following specific sources in his facility:

(1)-(2) (No change.)

(3) Loading facilities. Emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons (7,571 [7,500] liters) that store volatile organic compounds with vapor pressures greater than 4.1 psia (28 kPa) at 68°F (20°C) shall be reduced by at least 90% of the uncontrolled emissions by means of a vapor balance system or equivalent control.

(4)-(6) (No change.)

§115.232. Exemptions.

(a) Any facility in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which, when uncontrolled, will emit a combined weight of volatile organic compounds less than 550 pounds (249.5 [250] kg) in any consecutive 24-hour period is exempt from the provisions of §115.231 of this title (relating to Control Requirements).

(b) (No change.)

§115.233. Compliance Schedule and Counties. The provisions of §115.231 of this title (relating to Control Requirements) shall apply within [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with these sections as soon as practicable, but no later than December 31, 1982.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815092 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning fugitive emission con-

trol in petroleum refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties to delete reference to Bexar County and to make a minor editorial change to clarify the definition of a leak in §115.253.

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

§115.253. Recording Requirements.

(a) The owner or operator of a petroleum refinery shall maintain a **leaking-components** monitoring log for all leaks of **more than 10,000 ppm of VOC** detected by the monitoring program required by §115.252(c) of this title (relating to Inspection Requirements). This log shall contain at a minimum the following data:

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

§115.255. Counties and Compliance Schedule.

(a) The provisions of §115.251 of this title (relating to Control Requirements); §115.252 of this title (relating to Inspection Requirements); and §115.253 of this title (relating to Recording Requirements) shall apply to [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

- (b) (No change.)

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815093 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

Alternate Means of Control

The Texas Air Control Board proposes to amend the subchapter concerning alternate means of control to delete reference to Bexar County in the list of nonattainment counties and to include Bexar County in the list of counties other than ozone nonattainment areas.

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

§115.401. Procedure.

- (a) (No change.)

(b) Direct-flame incineration specified for vent gas control in §§115.41-115.45 (131.07.05.101-105) of this title (relating to vent gas control in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties) and in §§115.161-115.163 (131.07.58.101, 102, and 104) of this title (relating to vent gas control in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties) 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.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815094 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the subchapter concerning volatile organic compound exemption status in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, to delete reference to Bexar County, and make other minor editorial changes.

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

§115.411. Specific Exemptions. Methane, ethane, 1,1,1-trichloroethane (methyl chloroform), and trichlorotrifluoroethane (Freon 113) are exempt from control by this regulation in [Bexar,] Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

§115.412. Exemption Cancellation. All specific volatile organic compound exemptions previously granted by the executive director **before** [prior to] May 6, 1979, in **Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties** [the counties listed in §115.411 of this title (relating to Specific Exemptions)] are cancelled on that date. Any person previously granted an exemption for a vent gas stream **before** [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 there will be an insignificant contribution of air contaminants in the atmosphere.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815095 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

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

The Texas Air Control Board proposes to amend the title of the subchapter concerning compliance in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces,

Orange, Tarrant, and Victoria Counties to delete reference to Bexar County and to indicate control plan requirements.

The amended subchapter heading is proposed under authority of Texas Civil Statutes, Article 4477-5.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815096 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings

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

under Texas Civil Statutes, Article 4477-7. The commission may extend the time allowed for submitting a request for public hearing.

(b)-(d) (No change.)

Issued in Austin, Texas, on July 29, 1981.

Doc. No. 815169 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Proposed Date of Adoption: September 7, 1981
For further information, please call (512) 475-7845.

NONCODIFIED

Part X. Texas Water Development Board

Chapter 341. Consolidated Permits

Actions, Notice, and Hearings

The Texas Department of Water Resources proposes to amend §341.290 (156.25.36.030) concerning action on applications for permits. The proposed amendment changes the section to reflect amendments to Texas Water Code, §26.028(d), which were enacted by the 61st Legislature and signed by the governor.

Subsection (a) is amended to change the time period from 45 to 30 days consistent with amendments to Texas Water Code, §26.028, effective June 17, 1981.

In addition, subsection (a) proposes to carve out an exception to the time period for permit applications dealing with hazardous industrial solid waste which would leave the notice period at 45 days instead of 30. The department requests comments on this exception and is considering deleting this exception on final adoption. The department intends that these amendments be finally enacted upon by the Texas Water Development Board at its regularly scheduled monthly meeting on September 15, 1981.

The executive director of the department has determined that the amendments will have no fiscal impact to state or local units of governments. No local units of government have been consulted in this estimate.

Public comment is invited and may be submitted in writing to Donald Walker, attorney, general counsel's office, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The following amendments are proposed under the authority of the Texas Water Code, §5.131 and §5.132.

§341.290 (156.25.36.030). Request for Public Hearing.

(a) A request for public hearing under this chapter must be made in writing and submitted by an affected person to the commission within 30 [45] days after the first publication of the notice of application, *except that a request must be submitted within 45 days after the first publication of the notice of an application involving hazardous waste*

Texas Employment Commission Claims for Benefits 327.10.00

The Texas Employment Commission proposes to adopt on a permanent basis a new rule concerning claims for unemployment insurance benefits. This new rule is proposed pursuant to statutory authority granted to the Texas Employment Commission in the Texas Unemployment Compensation Act, Texas Civil Statutes, Article 5221b.

The new rule is required because of the enactment by the 67th Legislature of Senate Bill 2, relating to disqualification to be imposed under the Act upon unemployment insurance claimants under certain circumstances. Senate Bill 2 became effective March 21, 1981.

Senate Bill 2 radically altered the disqualification system provided for in the Unemployment Compensation Act by changing the disqualification system from a discretionary variable period of disqualification to that of a requalifying requirement. It is apparent to the Texas Employment Commission that a permanent rule properly interpreting and applying these changes is required in order to properly implement and administer the new disqualification system.

The Texas Employment Commission proposes this new rule to comply with Senate Bill 2, 67th Legislature, Regular Session, 1981, which amended the Texas Unemployment Compensation Act, Texas Civil Statutes, Article 5221b. This new rule was adopted on an emergency basis on April 3, 1981, and was published in 6 TexReg 1313.

The administrative staff has determined that the proposed rule would have no fiscal impact to state or local government funds.

Public comment is invited and should be submitted in writing to Pat Joiner, associate administrator, Texas Employment Commission, TEC Building, Room 656, Austin, Texas 78778.