

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

31 TAC §115.31

The Texas Air Control Board adopts an amendment to §115.31, without changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2232).

To facilitate measurements to determine compliance, the adopted amendment to §115.31, concerning required control devices, sets the threshold for control of certain volatile organic compound (VOC) water separators on the basis of gallons of VOC separated rather than on the basis of volume of VOC received. The adopted rule will be more easily understood and will make compliance monitoring easier.

One comment was received from the Houston Chamber of Commerce supporting the proposed amendment.

This amendment is adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the Texas Air Control Board with the authority to make rules consistent with the general intent of the Texas Clean Air Act and to amend any rule the board makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on December 9, 1982.

TRD-829292 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective date: December 30, 1982
Proposal publication date: June 11, 1982
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**

31 TAC §115.105, §115.106

The Texas Air Control Board adopts amendments to §115.105 and §115.106, without changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2233). The adopted amendment to §115.105 exempts welded tanks storing crude oil with a true vapor pressure equal to or greater than 4.0 psia and less than 6.0 psia from certain secondary seal requirements if certain primary seal requirements are met. The adopted amendment to §115.106 clarifies the original intent to have December 31, 1982, as the final compliance date for

§115.101-115.104 of this title (relating to Storage of Volatile Organic Compounds). The exemption for welded tanks meets the U.S. Environmental Protection Agency (EPA) 5.0% demonstration requirement in all but Galveston County, which might have a 6.0% increase in volatile organic compound (VOC) emissions, four tons per year above the 5.0% demonstration level. The cost of control devices required without the exemption would be in excess of \$9,000 per ton according to data received from Texas Mid-Continent Oil and Gas Association and Exxon Pipeline Company.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being "for" or "against" a proposal. A commentator who suggested any changes in the proposal is categorized as "against" the proposal while a commentator who agreed with the proposal in its entirety is categorized as "for."

Copies of the written comments and the transcript of the hearing are available for inspection at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The City of Dallas, commenting against the proposal, opposed the exemption under §115.105(7) for storing 4-6 psia crude under the specified conditions even though all counties but Galveston County would have emissions that meet the 5.0% Rule. The city requested a new provision to control multiple storage tanks where each storage tank may have a capacity of less than 25,000 gallons, but the total storage capacity may be large. Callie F. Struggs spoke for the City.

Brandt Mannchen asked how TACB can enforce compliance with the large number of storage tanks involved. He asked if the validity of the costs and benefits have been checked, what the difference in control efficiency is for a welded tank with a certain primary seal instead of a secondary seal, and what additional VOC emissions in Harris County are anticipated from §115.105(7).

In response to Mr. Mannchen's question about how compliance with the storage tank requirements would be enforced, the board believes that with the limited number of state and local air pollution control inspectors, compliance will have to rely significantly on voluntary compliance together with spot inspections and annual compliance checks.

Both commentators questioned the costs, benefits, and air quality impact of the proposed exemption. The exemption for welded tanks meets the EPA 5.0% demonstration requirement in all but Galveston County, which would have a 6.0% increase in VOC emissions from this class of sources, four tons per year above the 5.0% demonstration level. The cost of control devices required without the exemption would be in excess of \$9,000 per ton according to data received from Texas Mid-Continent Oil and Gas Association and Exxon Pipeline Company. The calculations were per-

formed by generally accepted methods and are consistent with TACB procedures. The impact of § 115.105(7) on total VOC emission reductions and on ozone air quality in downwind as well as local areas will be undetectable; for Harris County, the anticipated emission increase is estimated to be no more than 50 tons per year.

The question raised by one commentor, the City of Dallas, concerning control of multiple storage tanks as though they were larger tanks, may deserve consideration. However, the question was not raised in the notice of proposed rulemaking and thus could not be considered in this rulemaking action.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the Texas Air Control Board with the authority to make rules consistent with the general intent of the Texas Clean Air Act and to amend any rule the board makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-829293 Bill Stewart, P.E.
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Texas Air Control Board

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ext. 354.

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

31 TAC §115.111, §115.113

The Texas Air Control Board adopts amendments to §115.111 and §115.113, with changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2235).

In §115.111, the amendments will affect gasoline terminals in Harris County with a daily throughput of 500,000 gallons or more. The affected terminals will be required to reduce emissions of volatile organic compound (VOC) vapors to a level not to exceed 0.33 pounds of VOC from the vapor recovery system vent per 1,000 gallons of gasoline transferred, approximately half the emission rate that would have been allowed by the rules prior to these amendments. In §115.113, the amendments add a final compliance date of December 31, 1986, and final control plan submittal date of December 31, 1983, for the new control requirements of §115.111 that apply to affected gasoline terminals in Harris County.

These amendments are part of a series of revisions to Chapter 115 to provide in Harris County the additional VOC emission reductions needed to satisfy U.S. Environmental Protection Agency (EPA) requirements for 1982 State Implementation Plan (SIP) revisions. These amendments are based on technical information contained in the Radian Corporation report, "Assessment of the Feasibility and Costs of Controlling VOC Emissions from Stationary Sources in Harris County, Texas," submitted to the Texas Air Control Board September 11, 1981.

Copies of the written comments and the transcript of the hearing are available for inspection at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being "for" or "against" a proposal. A commentor who suggested any changes in the proposal is categorized as "against" the proposal while a commentor who agreed with the proposal in its entirety is categorized as "for."

Speaking in favor of the proposal, Dave Fellers, of the Texas Oil Marketers Association (TOMA), commended the TACB for its economically sound approach to achieving the additional VOC reductions required in Harris County. The proposed requirement that applies only to gasoline terminals with a daily throughput of 500,000 gallons is reasonable; however, gasoline terminal control should never be considered for any terminal with less than 500,000 gallons per day throughput. TOMA would oppose additional gasoline terminal controls, controls on the smaller bulk gasoline plants, and Stage II controls from an economic basis and because of the safety hazards with Stage II controls.

Speaking against the proposal was Brandt Mannchen, who asked how one can determine that the equipment installed is meeting the 0.67 or 0.33 pounds/1,000 gallons of gasoline transferred. He felt that additional provisions or clarifications were needed to enhance enforcement of emission control requirements.

The Marketing Subcommittee of the Texas Mid-Continent Oil and Gas Association wanted to add wording in §115.111(2)(B) to maximize the possibility of exemption under the 500,000 gallons per day criterion.

The testimony of one of the affected trade associations, TOMA, indicated that the proposed regulation change is reasonable as proposed. The other trade association, TMOGA, however, requested a wording change that might narrow the applicability of the rule. The economic analysis that was carried out developing the proposed regulation amendment and control strategy was based on the wording as it was proposed. Full reanalysis would be necessary to determine the effect of the wording change suggested by the Marketing Committee of TMOGA on the efficiency of §115.111(2)(B).