

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
Paragraph (5) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Harris	12/31/82	7/1/81
Paragraphs (2)(B) and (2)(D) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals >500,000 gal (1,892,706 L) per day	Harris	12/31/86	12/31/83

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-829295 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.

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

31 TAC §115.141, §115.142

The Texas Air Control Board adopts amendments to §115.142, with changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2235). Section 115.141 is adopted without changes to the proposed text published in the same issue and will not be reprinted.

The amendments to §115.141, concerning facilities other than petroleum refineries, and §115.142, concerning petroleum refineries, exempt certain volatile organic compound (VOC) water separators on the basis of gallons of VOC separated rather than on the volume of VOC received in order to facilitate measurements to determine compliance. Since a reliable method has been identified for measuring the true vapor pressure of the low vapor pressure VOC material

separated in a VOC water separator, the board retains in §115.142 the language, "having a true vapor pressure of 0.5 psia (3.4 kPa) or greater" which had been proposed for deletion. The minor editorial changes are adopted as proposed.

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.

Commenting against the proposal was Gary Tannahill of the Texas Mid-Continent Oil and Gas Association Refinery Subcommittee, who submitted a method to measure the true vapor pressure of VOC in water separators. This measurement method produces reliable results when determining compliance with the present provisions of §115.142; thus, the TACB should not adopt the proposal to delete the 0.5 psia threshold for imposition of control requirements.

C. H. Rivers of the Shell Oil Company opposed an amendment to §115.142 to remove the 0.5 psia threshold. Shell favored use of TMOGA sampling and analytical techniques to demonstrate whether the control requirements apply to a separator.

Mr. Rivers, also representing the Houston Chamber of Commerce Environment Committee, supported TMOGA's proposed method for determining vapor pressure of the recovered oil. The committee supported TACB's proposed revision to calculate the

threshold size for control of oil/water separators on the basis of gallons separated rather than gallons received. The committee felt these revisions should improve understanding and certainty of compliance with the regulation.

Since the testimony that was received supported the change from using the volume of VOC received to using the volume of VOC separated to determine whether the regulation applies to a separator, this amendment is adopted as proposed.

The preamble to the proposed amendments stated that, "If testimony is received concerning a reliable method to measure the true vapor pressure of the low vapor pressure VOC material separated that will be acceptable to compliance personnel, the Texas Air Control Board will not adopt this proposed amendment." The staff has reviewed the method proposed by TMOGA and has found that it appears to be reliable and accurate for the purposes of these rules, so the proposal to delete the 0.5 psia threshold is not adopted.

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.

§115.142. Petroleum Refineries. No person shall use any compartment of any single or multiple compartment volatile organic compound water separator, which compartment separates 200 gallons (757 liters) or more a day of volatile organic compounds 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.)

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-829294 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective date: December 30, 1982
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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

31 TAC §115.161, §115.162

The Texas Air Control Board adopts amendments to §115.161, with changes and §115.162, without

changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2236). The text of §115.162 will not be republished.

The adopted amendment to §115.161, concerning ethylene from low-density polyethylene production, makes only minor editorial changes to the previous version. The proposal to revise the emission limit in §115.161 to one based on a 24-hour average is not adopted. The amendment to §115.162, concerning general vent gas streams, to add a reference to new §115.163, concerning general vent gas streams in Harris County, is adopted as proposed. Elsewhere, the board simultaneously repeals the old §115.163, concerning compliance schedules, adopts new §115.163, concerning general vent gas streams for Harris County, and adopts a new §115.164, concerning compliance schedules and counties.

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."

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Speaking against the proposal, one individual asked who will do the sampling on the low density polyethylene (LDPE) rule and how it will be enforced. He also asked if the company is required to do continuous sampling.

The Texas Chemical Council (TCC) spoke against the proposal and suggested postponement of the proposed rule change for LDPE compliance method for ethylene vent loss. It has no impact on VOC reductions in the SIP. The TCC would like to evaluate the proposal more thoroughly before this rule change is adopted.

E. I. DuPont de Nemours and Company recommended that LDPE sampling for ethylene emissions remain on a general 30-day averaging period. If this cannot be done, the company agreed with the TCC recommendation for deletion of the proposed sampling rule for further study. Since the item is not SIP-related, dropping the proposal will not affect adoption or approval of the 1982 SIP.

The ARCO Chemical Company commented that there are no approved methods for determining the residual ethylene content in polyethylene pellets. ARCO requested that an officially approved sampling and analysis method for residual ethylene be entered in a source sampling or compliance manual. ARCO also felt that the present "beer can" type testing procedure falls short of analytical reliability. The proposed sampling requirements are ambiguous as to whether the "one-time per working shift" requirement is a con-