

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

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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."

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.

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-

tinuing requirement. If it is, it would be a heavy burden with questionable benefit. The compliance date stated is past, but the sampling and control requirement is not equivalent, so it is a retroactive requirement.

The Mobil Chemical Company spoke against the proposal and commented that because the test method takes three days to complete, it would do nothing to improve process control, which requires short feedback time. The proposed requirement would be a significant burden but not provide air quality improvements. Mobil Chemical Company's experience has shown that test repeatability is within a 5.0% to 10% range. Mobil recommended the following regulation language: "Averaged over any consecutive 30-day period when sampled at least four times per period."

The testimony has raised a number of significant questions about the proposed sampling and averaging time proposal for § 115.161. In light of the questions that have been raised, it is appropriate to withdraw this proposal for further study. Since new § 115.163 (considered elsewhere) is being adopted, it is appropriate to adopt the companion amendment to remove from coverage under § 115.162 those vent gas streams that would be controlled under the new § 115.163.

The minor editorial changes to § 115.161 improve the clarity of the rule but do not change its requirements.

The 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 and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control Board makes.

**§115.161. Ethylene from Low-Density Polyethylene Production.** No person may allow to be emitted 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, a direct-flame incinerator, or are controlled by an approved substantially equivalent alternate method.

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

31 TAC § 115.163

The Texas Air Control Board adopts the repeal of § 115.163, without changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2236). An amended version of old § 115.163 is being simultaneously adopted as new § 115.164.

No comments were received regarding adoption of this repeal.

This repeal 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 and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control 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-829297 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

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

31 TAC § 115.163, § 115.164

The Texas Air Control Board adopts new § 115.163 with changes and § 115.164, without changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2237). The text of § 115.164 will not be republished.

These new sections are part of a series of revisions to Chapter 115 to provide, in Harris County, the additional VOC emissions reductions needed to satisfy Environmental Protection Agency (EPA) requirements for 1982 State Implementation Plan (SIP) revisions. These new sections 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.

The adoption of new § 115.163 and § 115.164 accomplishes three things: (1) the renumbering of old § 115.163 (relating to Compliance Schedule and Counties) as § 115.164(a) by simultaneous repeal of § 115.163 and adoption of the same language as new § 115.164(a); (2) adoption of a new rule § 115.163 (relating to General Vent Gas Streams in Harris County), which establishes the same requirements as in old § 115.162 (which became effective on May 12, 1974) except that it requires the control of more vent gas streams because all volatile organic compounds

(VOC), rather than only certain compounds and classes of VOCs, will be counted in determining whether control of each waste gas stream is required; and (3) establishment under new §115.164(b) of the compliance dates for the requirements of new §115.163 (relating to General Vent Gas Streams in Harris County).

As a result of public hearing testimony and consideration of the need for VOC emission reductions in Harris County, the agency adopts §115.163, relating to general vent gas streams in Harris County, with the change that the adopted rule does not exempt carbon black plants from the requirements of this new section.

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.

Speaking against the proposal was the U.S. Environmental Protection Agency, Region VI, who asked how compliance with the proper burning provisions of §115.163 will be determined.

One individual spoke against the proposal and suggested that the rule should not exclude carbon black vent streams because the exclusion would constitute special treatment for one industry with VOC emissions in excess of 6,000 tons per year.

The Texas Mid-Continent Oil and Gas Association Marketing Subcommittee spoke against the proposal by suggesting that adding language to §115.163(a) and §115.162 would assure that these requirements are not applied to vapor recovery vents at gasoline terminals.

The Sierra Club, Lone Star Chapter, objected to the special exemption for the carbon black plant.

One individual stated opposition to special exemption, even on the basis of severe economic impact, to carbon black or other industries.

The preamble to proposed new §115.163 and §115.164, as published in the *Texas Register* (7 Tex-Reg 2237), stated:

This exemption for certain carbon black manufacturing vent gas streams is based on economic analysis contained in the Radian Corporation report, "Assessment of the Feasibility and Costs of Controlling VOC Emissions from Stationary Sources in Harris County," submitted to the Texas Air Control Board September 1, 1981. This report indicated that the imposition of vent gas controls would have a severe economic impact on the carbon black manufacturing industry in Harris County even though such controls would be cost effective on the basis of dollars

per ton of VOC controlled. In Harris County, additional VOC reductions of about 6,425 tons per year are potentially achievable if the exemption for vent gas streams from carbon manufacturing processes is not adopted. The Texas Air Control Board hopes to receive testimony concerning whether or not this exemption should be granted. The Texas Air Control Board specifically reserves the right not to grant this exemption from additional controls based on any information received as testimony.

Three commentators objected to the special exemption. No testimony was received from the one carbon black plant that would be affected by adoption of new §115.163 without the exemption. Further staff analysis subsequent to receipt of the Radian report indicates that the net cost of control of the vent gas streams in question may be considerably less than estimated in the Radian report analysis, since the use of the fuel content in the streams may provide substantial savings to the carbon black plant. In addition, it appears that the 6,425 tons per year reduction is needed to develop a State Implementation Plan (SIP) that will satisfy EPA emission reduction requirements.

Although it is not summarized under this heading, substantial testimony was received urging the Texas Air Control Board to adopt an SIP that is fully approvable by the EPA. The new emission control requirements detailed in the new §115.163 will produce a large portion of any additional VOC reductions necessary to meet EPA VOC emission reduction requirements for an approvable SIP.

With regard to the suggestions to add language to §115.162 and §115.163(a) to clarify the intention that these rules not apply to vapor recovery vents at gasoline terminals, it appears that the definitions of "process" and "vent" in the General Rules (§101.1) and the wording of the two rules in question already accomplish what the commentator suggests. Also, since such amendments have not been proposed for hearing, a new rulemaking proceeding would be required to consider them.

The EPA questioned how compliance with the provisions of new §115.163 would be determined. The requirement for proper burning of certain vent gas streams of 1300°F in a smokeless flame or direct flame incinerator has been part of Regulation V (31 TAC 115) since May, 1973. It is enforced by a number of means. First, a source that is newly required to comply with this requirement must submit a compliance plan that includes sufficient engineering analysis to demonstrate that the proposed abatement plan will meet the requirement. That plan is reviewed for adequacy by the staff before it is approved. Part of the annual source investigation involves inspection to assure that required abatement equipment is operating properly. Further, all upsets including those involving incinerators and flares must be reported in accordance with §101.6 of the General Rules. Also, when upsets do occur in such equipment, they often result in excessive visible emissions that promptly

reveal the malfunction to the company, the public, and staff field investigators.

These rules 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 and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control Board makes.

**§115.163. General Vent Gas Streams in Harris County.**

(a) Except for process vent gas streams affected by the provisions of §115.161 of this title (relating to Ethylene from Low-Density Polyethylene Production), no person may allow a vent gas stream to be emitted from any process vent located in Harris County containing volatile organic compounds unless the vent gas stream is burned properly at a temperature equal to or greater than 1300°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).

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

(1) A vent gas stream having a combined weight of volatile organic compounds equal to or less than 100 pounds (45.4 kg) in any consecutive 24-hour period.

(2) A vent gas stream having a combined weight of volatile organic compounds greater than 100 pounds (45.4 kg) in any consecutive 24-hour period but less than 250 pounds (113.4 kg) per hour averaged over any consecutive 24-hour period and having a true vapor pressure of volatile organic compounds less than 0.44 psia (3.0 kPa).

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-829299 Bill Stewart, P.E.  
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Texas Air Control Board

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

**31 TAC §115.191, §115.193**

The Texas Air Control Board (TACB) adopts amendments to §115.191, concerning emission limitations, without changes, and to §115.193, concerning exemptions, with changes to the proposed text published in the June 11, 1982, issue of the *Texas*

*Register* (7 TexReg 2238). The text of §115.191 will not be republished.

In §115.191, the amendment to §115.191(9)(A)(i) will allow pail and drum interior coatings to have an emission limit of 4.3 pounds of volatile organic compounds (VOC) per gallon of coating (minus water) even though such coatings are not a true clear coat. This change is necessary because the shipping container industry does not have a low-VOC interior coating to withstand the harsh and toxic nature of many chemicals shipped in pails and drums. In §115.193, amendments will exempt from emission limitation provisions of §115.191(9) coating operations for the exterior of fixed offshore structures and any surface coating process or processes at a specific property for which the executive director has approved requirements different from those in §115.191 (a) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. The executive director will specify the date or dates by which such requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years.

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 Berwind Railway Service Company commented on the proposal, stating that, in the railcar repair industry, low solvent coatings are not available to meet certain extremem performance requirements as well as requirements for the protection of food products. Since engineering controls are unreasonable, regulation change is needed to allow continued operation of custom coating facilities in this industry. Berwind has submitted information about availability/unavailability of low solvent coatings for various applications.

Custom Pipe Coatings, Inc. (CPC), commented that its business is custom coating pipe; 90% involves extreme performance coatings. CPC has no control over the coatings selected. Field contractors doing the same work are unregulated, and they have higher particulate emissions. Low solvent technology is unavailable. Control systems would have limited effectiveness and are economically unreasonable.

Blas-Kote, Inc., commented that controlling custom coating contractors while exempting field contractors is unacceptably unfair. The regulation as now writ-