

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

31 TAC §115.61

These amendments are adopted under the authority of 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 TACB makes.

Issued in Austin, Texas, on February 23, 1982.

TRD-821746 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective date: March 31, 1982
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For further information, please call (512) 451-5711,
ext. 354.

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

31 TAC §115.81

These amendments are adopted under the authority of 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 TACB makes.

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Executive Director
Texas Air Control Board

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

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

31 TAC §115.91

The Texas Air Control Board adopts amendments to §115.91 with changes to the proposed text published in the August 7, 1981, issue of the *Texas Register* (6 TexReg 2874) concerning compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. The proposed text is modified to more clearly state the final compliance dates for the subchapters listed within §115.91.

The Texas Air Control Board amends §115.91 concerning compliance schedule and counties to add Bexar County. This amendment along with other amendments adopted elsewhere in the *Texas Register*

will add Bexar County to the Regulation V sections relating to certain counties in other than ozone nonattainment areas. This action results from EPA redesignation of Bexar County from nonattainment to attainment. In other actions taken elsewhere, the TACB is adopting amendments to delete Bexar County from the control requirements of Regulation V pertaining to ozone nonattainment areas.

There is no substantive change in the way the rule functions. Since EPA has redesignated Bexar County as attainment, persons in Bexar County will have to continue to meet the requirements contained in the sections of Regulation V relating to certain counties in other than ozone nonattainment areas rather than come into compliance with the more stringent requirements for nonattainment areas.

One comment was received concerning the amendment to §115.91. Region VI of the U.S. Environmental Protection Agency questioned the effect on final compliance dates caused by revising §115.91 to add Bexar County.

The wording of §115.91 as proposed would leave the effective date of the regulation unclear. A clause has been added to §115.91 stating that all persons in Bexar County shall be in compliance as soon as practicable but no later than the effective date of the rule amendment to reinstate control requirements in Bexar County (March 31, 1982). This is to clarify the TACB's intent to have all compliance dates remain the same with the exception of those for Bexar County which would reflect this reinstatement.

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.

Ramon Dasch
February 23, 1982

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

§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 and §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.)

(3) All persons in Bexar County shall be in compliance with these subchapters as soon as practicable but no later than March 31, 1982.

Issued in Austin, Texas, on February 23, 1982.

TRD-821748 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

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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 §§115.101-115.106

The Texas Air Control Board adopts amendments to Chapter 115 with changes to the proposed text published in the August 7, 1981, issue of the *Texas Register* (6 TexReg 2875) and subsequently corrected in the August 14, 1981, issue of the *Texas Register* (6 TexReg 2994), concerning storage of volatile organic compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. The text of §115.104 is modified to more clearly state under what circumstances records are to be kept and the type of information that shall be recorded.

The Texas Air Control Board amends these sections in order to: delete reference to Bexar County, delete an unnecessary column (Tank Type) from Tables I and II, make metric equivalents more accurately reflect metric conversion from English units, clarify the secondary seal requirements of §115.102 and the type of inspection required in §115.103, clarify the applicability of record keeping requirements in §115.104, specify the effective date of §115.104(4), and make other minor editorial changes. The deletion of controls in Bexar County is adopted because EPA has redesignated Bexar County from nonattainment to attainment.

There will be no substantive change in the way any of the rules will function. Since EPA has redesignated Bexar County as attainment, persons in Bexar County will have to continue to meet the requirements contained in the sections of Regulation V relating to certain counties in other than ozone nonattainment areas rather than come into compliance with the more stringent requirements for nonattainment areas.

Two comments were received concerning §115.104, one from Region VI of the U.S. Environmental Protection Agency and another from the City of Dallas Environmental Health and Conservation Department. Both noted that there was an apparent inconsistency in the revision to §115.104.

The wording of §115.104 as proposed would leave unclear under what circumstances records are to be kept and the type of information that shall be recorded. The wording of §115.104 has been changed to clarify the TACB's intent which was: to have records kept of the type of volatile organic compound stored and the average monthly true vapor pressure of certain external floating roof tanks exempted from secondary seal requirements, and to have records kept of the secondary seal inspection results required by §115.103 for certain floating roof tanks.

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.

Ramon Dasch
February 23, 1982

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

§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 seal or seal fabric.

