

(6) The applicant shall comply with all special provisions and conditions specified by the executive director in the waiver.

(e) A motor vehicle is exempt from §114.3 of this title (relating to Inspection Requirements) if the vehicle is registered with the Motor Vehicle Division of the Texas Department of Highways and Public Transportation as a farm vehicle or has been granted a waiver from the executive director in accordance with subsection (d) of this section.

(f) Municipalities selling abandoned vehicles are exempt from the provisions of §114.1(c) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) if the following conditions are met:

(1) The inspection certificate must be removed from the vehicle and destroyed before the vehicle may be offered for sale or displayed for public examination.

(2) All potential buyers of the vehicle must be informed of all deficiencies in the vehicle pollution control systems on the vehicle and all liabilities to the buyer under §114.1 of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) and §114.3 of this title (relating to Inspection Requirements) of operating the vehicle prior to the adequate restoration of all pollution control systems or devices on the vehicle in compliance with federal motor vehicle rules.

(g) The owner of a motor vehicle which has been totally disabled by accident, age, or malfunction and which will no longer be operated is exempt from the provisions of §114.1(c) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) if the inspection certificate is removed and destroyed before the vehicle is offered for sale or displayed for public examination.

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 August 28, 1985.

TRD-857810

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

Effective date: January 1, 1986

Proposal publication date: March 1, 1985

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

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Chapter 115. Volatile Organic Compounds 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 (TACB) adopts amendments to §115.111 and §115.113, concerning facilities for loading and unloading of volatile organic compounds (VOC) in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 728).

The amendments to §115.111, concerning throughput and control requirements, add new subparagraph (E) to §115.111(2) which limits gasoline terminals in Dallas and Tarrant Counties having 100,000 gallons or more throughput per day to an emission limitation of 0.33 pounds of volatile organic compounds per 1,000 gallons of gasoline transferred. The amendments also add new subparagraph (F) to §115.111(2) to ensure that after December 31, 1982, but before December 31, 1987, gasoline terminals affected by new paragraph (2)(E) remain in compliance with paragraph (2)(A).

The amendments to §115.113, concerning compliance schedule and counties, add a final compliance date of December 31, 1987, and a final control plan submittal date of December 31, 1985, for new control requirements of §115.111(2)(E) and §115.111(2)(F) that apply to affected gasoline terminals in Dallas and Tarrant 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 commenter who suggests any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Three commenters, Texas Mid-Continent Oil and Gas Association, Mobil Oil Corporation, and Phillips Petroleum Company, testified against the proposed amendments to §115.111. No commenter testified for the proposal. No comments were received regarding the amendments to §115.113.

A complete summary of comments and a discussion of issues will follow. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 U.S. Highway 290 East, Austin, Texas 78723.

All three commenters objected to the proposed provisions of §115.111(2)(E) which required gasoline terminals in Dallas, El Paso, and Tarrant Counties with 100,000 gallons or more throughput per day to reduce emissions of VOC vapors to not more than 0.33 pounds per 1,000 gallons of gasoline transferred. They claimed the cost of redesigning and installing equipment to meet the 40 milligrams per liter limit was understated and that the requirement essentially represented application of a level of control equivalent to new source performance standards (NSPS) at existing sources. While EPA has determined that applying NSPS controls to all existing sources nationwide is impractical, implementation of similar controls to specific urban nonattainment areas may be considered reasonable when the resultant VOC reductions are necessary to demonstrate attainment or reasonable progress toward attainment. Compliance with the regulation can be accomplished by addition of supplemental control equipment ranging in cost from \$25,000 to \$80,000 which has been determined to be economically reasonable for the affected nonattainment areas. Since a demonstration of attainment is not possible for Dallas or Tarrant Counties, all reasonable control measures, including these vapor recovery requirements, must be adopted. In El Paso County, however, a demonstration of attainment can be accomplished without these controls and, therefore, they are not included in this adoption.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB 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.

§115.111. Throughput and Control Requirements. No person shall permit the loading or unloading to or from any facility having 20,000 gallons (75,708 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) (No change.)

(2) Gasoline terminal size and additional emission control requirements are as follows.

(A)-(D) (No change.)

(E) Volatile organic compound vapors from gasoline terminals located in Dallas and Tarrant Counties and having 100,000 gallons (378,541 liters) or more throughput per day (averaged over any consecutive 30-day period) shall be reduced to a level not to exceed 0.33 pounds of volatile organic compounds from the vapor recovery

ery system vent per 1,000 gallons (40 milligrams per liter) of gasoline transferred.

(F) After December 31, 1982, but before December 31, 1987, gasoline terminals located in Dallas and Tarrant Counties

and affected by paragraph (2)(E) of this section shall remain in compliance with paragraph (2)(A) of this section.
(3)-(5) (No change.)

§115.113. *Compliance Schedule and Counties.* All affected persons in the counties

and for the facilities specified as follows shall be in compliance with the rule paragraphs specified as soon as practicable but no later than the date shown.

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	Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Victoria. Tarrant	12/31/73 2/29/80	Previously Submitted Previously Submitted 12/31/79
Paragraphs (2)(A), (2)(C), and (3) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, 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	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	Gasoline Terminals	Harris	12/31/82	7/1/81

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
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(relating to Throughput and Control Requirements).

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) Throughput per day	Harris	12/31/86	12/31/83
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Paragraphs (2)(E) and (2)(F) of §115.111 of this title (Relating to Throughput and Control Requirements).	Gasoline Terminals 100,000 gal (378,541 L) Throughput per day	Dallas, and Tarrant	12/31/87	12/31/85
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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.

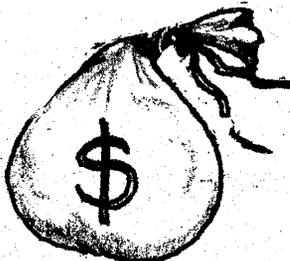
Issued in Austin, Texas, on August 28, 1985.

TRD-857803

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

Effective date: September 18, 1985
Proposal publication date: March 1, 1985
For further information, please call
(512) 451-5711, ext. 354.

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

★ 31 TAC §§115.131, 115.132, 115.135

The Texas Air Control Board (TACB) adopts amendments to §§115.131, 115.132, and 115.135, concerning the filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Brazoria, Dallas, Galveston, Harris, and Tarrant Counties, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 731).

The amendments add El Paso County to the requirements of the undesignated head. In addition, the amendments incorporate revisions to §115.131, concerning control requirements; and §115.132, concerning approved vapor balance system, consistent with the amendments proposed elsewhere to the undesignated head concerning control of volatile organic compound (VOC) leaks from gasoline tank trucks in Harris County for

Dallas, El Paso, and Tarrant Counties. In §115.135, concerning compliance schedule and counties, the amendments add a final compliance date of December 31, 1987, for new control requirements of §§115.131-115.134 that apply to affected motor vehicle dispensing facilities in Dallas, El Paso, and Tarrant 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 commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Five commenters, Texas Mid-Continent Oil and Gas Association, Mobil Oil Corporation, Shell Oil Company, Texas Oil Marketers Association, and Brandt Mannchen testified against the proposed amendments to §115.131 and §115.132. No comments were received in favor of the proposals.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing