

ti script are available for inspection at the TACB office, 6330 U.S. Highway 290 East, Austin.

Three gasoline producers recommended changes to the proposed §115.132 which would allow for the use of alternate methods of satisfying the design criteria of an adequate vapor balance system. Section 115.132 describes a vapor balance system which may be assumed to provide adequate control during the transfer and transport of vapors to an off-site vapor recovery unit. The regulation does not preclude the use of another vapor balance system design if it can be demonstrated to be substantially equivalent. In addition, §115.401 also provides a procedure for obtaining the approval of the executive director for equivalent alternate methods to any control requirement of Regulation V.

Two industry commenters also suggested that Stage I vapor recovery requirements cannot be economically implemented in El Paso County. The effectiveness of Stage I controls is reduced in El Paso County because the City of El Paso enforces an ordinance restricting the operation of gasoline tank trucks or more than 1,500 gallons capacity within the city limits; the volatility of gasoline marketed in El Paso during the summer months is less than in other urban areas in Texas; and emissions from the neighboring city of Ciudad Juarez, Mexico, are uncontrolled and seriously impact any VOC control efforts in El Paso.

Stage I controls have been successfully implemented in several other counties in Texas since 1978. Board analysis, however, indicates an increase in the cost of implementing these controls in El Paso County of approximately \$112 per ton of VOC reduced relative to other areas of the state due to the lower gasoline volatility and the use of smaller tank trucks. Therefore, Stage I controls, while significantly more expensive, remain reasonable and cost effective for El Paso County at any estimated cost of \$257 per ton of VOC reduced. The effects of emissions from Juarez remain uncertain, but consideration of appropriate control measures must be limited to El Paso until international agreements concerning the improvement and protection of air resources are reached.

Brandt Mannchen objected to the provision in §115.132 which allows for gauging of tank trucks after delivery of gasoline to a dispensing facility is completed. The temporary loss of VOC vapors is necessary to determine the quantity of gasoline delivered and no practical alternative exists. Gauging losses are considered during computation of emission reductions from Stage I controls.

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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB 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 August 28, 1985.

TRD-857804 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.

★ ★ ★

### Vent Gas Control in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

#### ★31 TAC §§115.162-115.164

The Texas Air Control Board (TACB) adopts amendments to §§115.162-115.164, concerning vent gas control in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 Tex-Reg 732).

The amendments to §115.162, concerning general vent gas streams, change the reference to §115.163, concerning general vent gas streams in Harris County, to include the addition of Dallas and Tarrant Counties. The amendments to §115.163, add the more stringent vent gas control requirements currently applicable in Harris County to Dallas and Tarrant Counties.

The controls and exemptions in §115.163 are retained unchanged for facilities in Harris County. A more restrictive exemption for vent gas streams having a combined weight of volatile organic compounds (VOC) greater than 100 pounds in any consecutive 24-hour period, but less than 250 pounds per hour averaged over any consecutive 24-hour period, and having a true vapor pressure of less than 0.009 psia is added for facilities in Dallas and Tarrant Counties.

The amendments to §115.164, concerning compliance schedule and counties, add a final compliance date of December 31, 1987, and a final control plan submittal date of June 30, 1986, for the new control requirements of §115.163 that apply to affected facilities 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 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.

Four commenters, the City of Dallas, Gardere & Wynne, Printpack, Inc., and Miller Brewing Company, testified against the proposed amendments to §115.163. No comments were received in favor of the proposal. No testimony was received regarding the amendments to §115.162 or §115.164.

A complete summary of comments and a discussion of issues follows. 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.

The City of Dallas and Gardere & Wynne objected to the provision of §115.163 which requires the incineration of certain vent gas streams with a true vapor pressure of VOC greater than or equal to 0.009 psia. The primary confusion apparently arises from the use of true vapor pressure to identify affected vent gas streams. The intent of the regulation is to ensure incineration of any VOC vent gas stream which does not require a significant amount of additional fuel to reach combustible limits. In the TACB general rules, true vapor pressure is defined as aggregate partial vapor pressure. Based on this definition, the vent gas streams with low VOC concentrations specified by the commenters would not be affected by this rule.

Gardere & Wynne also provided information which indicated that the estimated costs of vent gas control were too low. The capital costs provided by the TACB were estimated using a rate of \$13.50 per standard cubic foot per minute of vent gas to be incinerated. This figure is based on the capital cost of catalytic incineration included in the Environmental Protection Agency (EPA) *Control Technique Guidelines for Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks* adjusted to 1984 dollars. Operating costs were computed separately and determined to represent the largest portion of the total expected cost of control. Other alternatives to catalytic incineration, such as condensation, carbon absorption, or a combination of various methods may also be approved by the executive director under §115.401.

Printpack, Inc., and Miller Brewing Company claimed that the proposed vent gas controls would create a financial burden on them while providing insignificant emission reductions. In evaluating potential emission reductions, all reasonable control measures must be considered. Relatively small sources may be includ-

ed in several more general source categories, such as graphic arts or surface coating. The control of emissions from these combinations of sources may be very significant even though emissions from a single source may be insignificant. Since attainment cannot be demonstrated in Dallas and Tarrant Counties, all reasonable measures must be implemented to satisfy EPA requirements.

Printpack, Inc., also suggested that TACB was being inconsistent by requiring companies to comply with both general as well as industry-specific regulations. The TACB has always required companies to comply with all applicable regulations unless specifically exempted. Emissions from vent gas controls at graphic arts facilities were included in the emissions inventory and the projected emission reduction computations for each of the affected counties.

The 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.

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-857805

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.

★ ★ ★

### Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

#### ★ 31 TAC §§115.171, 115.175, 115.176

The Texas Air Control Board (TACB) adopts amendments to §115.175 and §115.176, concerning specified solvent-using processes 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 733). Section 115.171 is adopted without changes and will not be republished.

The amendments to §115.171, concerning cutback asphalt, restructure the section and add subsection (b), which limits the

use of cutback asphalt in Dallas, El Paso, and Tarrant Counties to no more than 7.0% of the total annual volume, averaged over a two-year period. The amendment to §115.175, concerning exemptions, adds subsection (f) to reduce the exemption for volatile organic compound (VOC) emissions from degreasing operations in Dallas and Tarrant Counties from 550 pounds to three pounds in any consecutive 24-hour period after December 31, 1987. The amendments to §115.176, concerning counties and compliance schedule, 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 §115.171(b) that apply to cutback asphalt operations in Dallas, El Paso, and Tarrant Counties and §115.175(f) that apply to degreasing operations 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 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.

One commenter, the Environmental Protection Agency (EPA), testified against the proposed amendments to §115.171, and one commenter, the City of Dallas, testified against the proposed amendments to §115.175. No comments were received in favor of either proposal. No comments were received regarding amendments to §115.176.

A complete summary of comments and a discussion of issues follows. 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.

The EPA expressed concern that the limitation on the use of cutback asphalt proposed in §115.171 was not practically enforceable. The periodic evaluation and enforcement of this regulation should be relatively simple. All state, municipal, and county agencies which use or specify the use of asphalt application maintain detailed records of related operations within their jurisdictions. Inspection of these records can be performed to determine compliance. While the use of cutback asphalt is expected to remain below the regulatory limit due to economic reasons, negotiations with affected agencies should be sufficient to correct any future problems.

The City of Dallas expressed a similar concern that the more restrictive controls on small degreasing operations resulting from the proposed amendments to §115.175 may also be difficult to enforce at existing sources. The commenter recommended increasing the exemption lev-

el for open top vapor degreasing operations from three pounds per day to 60 pounds per day. The proposed section should not require extensive changes to operating equipment or procedures at most existing small facilities. Many of the procedures outlined in the section have already been implemented by some of these businesses for economic reasons, and the economic advantage of following prescribed procedures should make routine inspections unnecessary. Since an attainment demonstration is not possible for Dallas and Tarrant Counties, all reasonable control measures, including solvent-use control, must be implemented to satisfy EPA requirements. In El Paso County, however, while these controls remain economically reasonable, they are not required to demonstrate attainment, and the proposed degreasing controls are not included in this adoption.

The 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.

#### §115.175. Exemptions.

(a)-(e) (No change.)

(f) After December 31, 1987, only those degreasing operations located on any property in Dallas and Tarrant Counties which, when combined, would emit, when uncontrolled, a combined weight of volatile organic compounds less than three pounds (1.4 kg) in any consecutive 24-hour period shall be exempt from the provisions of §115.172 of this title (relating to Cold Solvent Cleaning), §115.173 of this title (relating to Open-Top Vapor Degreasing), and §115.174 of this title (relating to Conveyorized Degreasing).

#### §115.176. Counties and Compliance Schedule.

(a) The provisions of §115.171 of this title (relating to Cutback Asphalt) shall apply only within Brazoria, Dallas, El Paso, Jefferson, Galveston, Harris, Nueces, Orange, and Tarrant Counties. All persons affected by §115.171(a) shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1982. All persons affected by §115.171(b) shall also submit a supplemental final control plan to the Texas Air Control Board no later than December 31, 1985, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1987.

(b) (No change.)

(c) The provisions of §115.175(f) of this title (relating to Exemptions) shall supercede and delete the provisions of §115.175(a) in Dallas and Tarrant Counties