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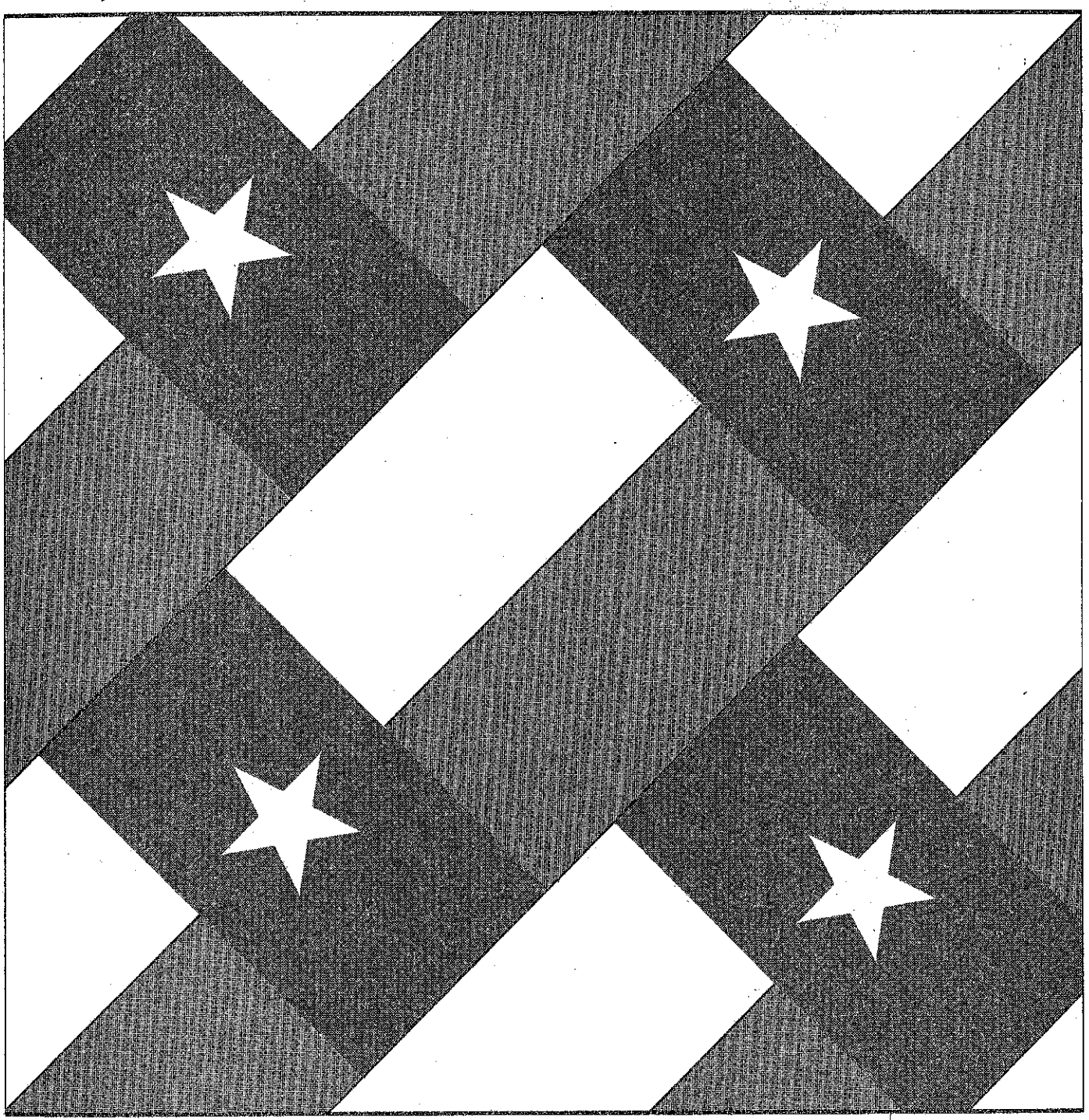

Highlights

The **State Board of Insurance** adopts on an emergency basis amendments in a chapter concerning powers and duties.
Effective date - February 21 . . . . . **page 721**

The **Comptroller of Public Accounts** adopts on an emergency basis amendments concerning bingo regulation and tax.
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The **Texas Air Control Board** proposes amendments and new sections in a chapter concerning volatile organic compounds. Proposed date of adoption - July 31 . . . . . **page 728**

Office of the Secretary of State

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Title 22. Examining Boards
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755— Railroad Commission of Texas

(3) A demonstration shall be made ı the application that the use of the speci- ied pollution control systems or devices on ıe identified vehicle would result in a clear anger to persons or property or would be etrimental to the purpose for which the ve- icle or engine is intended to be used.

(4) The applicant shall agree and nsure that a copy of the waiver shall be ept with the vehicle at all times and shall e available for inspection by representa- ives of the Texas Air Control Board, the Texas Department of Public Safety, or any ther law enforcement agency upon request. The approved waiver shall also be present- d to the certified vehicle inspector before ach annual vehicle safety inspection of the ehicle as administered by the Texas De- artment of Public Safety.

(5) The applicant shall agree and nsure that the waiver shall be void and all ollution control systems and devices eplaced on the vehicle and/or engine co- ered by the waiver when the vehicle hanges ownership or is no longer used for he purpose identified in the waiver appli- ation. The executive director shall be in- ormed in writing prior to the change of ownership of usage.

(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 Pub- ic Transportation as a farm vehicle or has been granted a waiver from the executive director in accordance with subsection (d) of this section.

(f) A vehicle service or repair facility is exempt from the provisions of §114.1(b) 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) Removal or alteration of any pollution control system or device shall be performed only on those vehicles which are exempted by the provisions of subsection (a) or subsection (b) of this section, or have received a waiver from the executive direc- tor in accordance with subsection (d) of this section.

(2) The vehicle service or repair fa- cility shall keep a copy of the vehicle regis- tration document or approved waiver re- quired for each vehicle affected by this sub- section on file for three years and shall make such documentation available to rep- resentatives of the Texas Air Control Board or any local air pollution control agency upon request.

(g) Municipalities selling abandoned vehicles are exempt from the provisions of §114.1(c) of this title (relating to Main- tenance and Operation of Air Pollution Control Systems or Devices Used to Con- trol 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 ve- hicle must be informed of all deficiencies in the vehicle pollution control systems on the vehicle and all liabilities to the buyer un- der §114.1 of this title (relating to Main- tenance and Operation of Air Pollution Control Systems or Devices Used to Con- trol 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.

(h) 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 pro- visions of §114.1(c) of this title (relating to Maintenance and Operation of Air Pollu- tion 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 pro- posal has been reviewed by legal coun- sel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 20, 1985.

TRD-851595 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption: July 31, 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) pro- poses amendments to §115.111 and §115.113, concerning facilities for load- ing and unloading of volatile organic compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. In §115.111, concerning throughput and control requirements, the proposed amendments add new subpar- agraph (E) to §115.111(2) which limits gasoline terminals in Dallas, El Paso, and Tarrant Counties having 100,000 gallons or more throughput per day to an emis- sion limitation of 0.33 pounds of volatile organic compounds per 1,000 gallons of gasoline transferred. The proposed amendments also add new subparagraph (F) to §115.111(2) to ensure that after December 31, 1982, but before Decem- ber 31, 1987, gasoline terminals affect- ed by new paragraph (2)(E) remain in compliance with paragraph (2)(A). In §115.113, concerning compliance schedule and counties, the proposed amendments add a final compliance date of December 31, 1987, and a final con- trol 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, El Paso, and Tarrant Counties.

These proposed amendments are part of a series of proposed revisions to Chap- ter 115 to provide in Dallas, El Paso, and Tarrant Counties the additional volatile organic compound (VOC) emission re- ductions needed to satisfy the U.S. En- vironmental Protection Agency (EPA) re- quirements for post-1982 state imple- mentation plan (SIP) revisions.

Bennie L. Engelke, management and staff services director, has determined that for the first five-year period the rules as pro- posed will be in effect there will be no fis- cal implications for state or local government or small businesses as a re- sult of enforcing or administering the rules.

Steve Spaw, P.E., Central Regulatory Operations Program director, has deter- mined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules is improved air quality as a result of a reduction of 390 tons per year of VOC emissions in Dallas, El Paso, and Tarrant Counties after De- cember 31, 1987. In addition, these and other VOC emission reductions proposed elsewhere are necessary to satisfy EPA requirements for post-1982 SIPs and to avoid possible growth sanctions in Dal- las, El Paso, and Tarrant Counties.

In 1985 and 1986 there will be no eco- nomic cost to individuals who are re- quired to comply with the proposed rules; however, the cost will be $254,000 in 1987, $258,000 in 1988, and $263,000 in 1989 for all facilities affected, adjust- ing for 5.4% annual inflation.

Public hearings on the proposed amend- ments will be held at 2:30 and 6:30 p.m. on March 27, 1985, in the city council chambers, second floor, 2 Civic Center Plaza, El Paso; at 2:30 and 6:30 p.m. on

March 27, 1985, in Room N-401, Convention Center, 560 South Griffin Street, Dallas; and at 2:30 and 6:30 p.m. on March 28, 1985, city council chambers, 1000 Throckmorton Street, Fort Worth.

Copies of the proposed amendments are available at the central office the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed amendments is invited at the hearings. The TACB prefers receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on April 12, 1985, at the TACB central office will be included in the hearing record and should be mailed to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

These amendments are proposed 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, El Paso, 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 system vent per 1,000 gallons (40 mg/liter) of gasoline transferred.

(F) After December 31, 1982, but before December 31, 1987, gasoline terminals located in Dallas, El Paso, and Tarrant Counties and affected by paragraph (2)(E) of this section shall remain in compliance with paragraph (2)(E) of this section.

(3)-(5) (No change.)

§115.113. Compliance Schedule and Counties. All affected persons in the counties and for the facilities specified in the following shall be in compliance with the rule paragraphs specified as soon as pacticable 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.	12/31/73	Previously Submitted
		Tarrant	2/29/80	Previously Submitted
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

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
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 (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) Throughput per day	Harris	12/31/86	12/31/83
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, EL PASO, AND TARRANT.	12/31/87	12/31/85

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 20, 1985.

TRD-851596 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Earliest possible date of adoption: July 31, 1985
For further information, please call (512) 451-5711, ext. 354.

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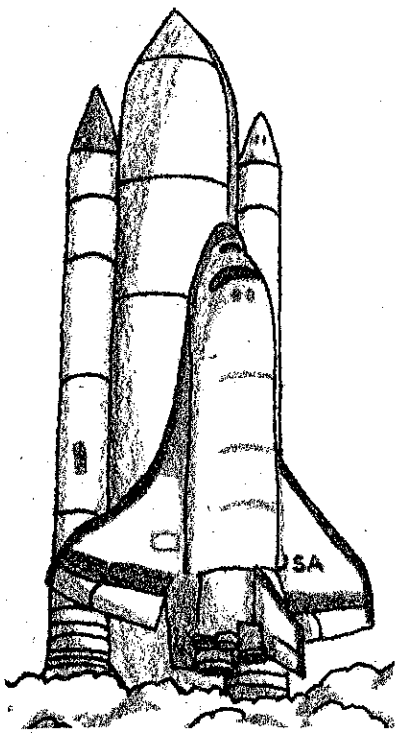

Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in Brazoria, Dallas, El Paso, Harris, and Tarrant Counties

★31 TAC §§115.131-115.135

The Texas Air Control Board (TACB) proposes amendments to §§115.131-115.135, concerning the filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Brazoria, Dallas, Galveston, Harris, and Tarrant Counties.

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 amendment 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 proposed 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 proposed amendments are part of a series of proposed revisions to Chapter 115 to provide in Dallas, El Paso, and Tarrant Counties the additional VOC emission reductions needed to satisfy the U.S. Environmental Protection Agency (EPA) requirements for post-1982 state implementation plan (SIP) revisions.

Bennie L. Engelke, management and staff services director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Steven Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is improved air quality as a result of a reduction of 889 tons per year of VOC emissions in Dallas, El Paso, and Tarrant Counties after December 31, 1987. In addition, these and other VOC emission reductions proposed elsewhere are necessary to satisfy EPA requirements for post-1982 SIPs and to avoid possible growth sanctions in Dallas, El Paso, and Tarrant Counties. The anticipated economic cost to individuals who are required to comply with the rules as proposed is $0 each year in 1985 and 1986, $424,000 in 1987, $432,000 in 1988, and $439,000 in 1989 for all facilities affected, adjusting for 5.4% annual inflation.

Public hearings on this proposal are scheduled at 2:30 and 6:30 p.m. on March 27, 1985, in the city council chambers, second floor, 2 Civic Center Plaza, El Paso; at 2:30 and 6:30 p.m. on March 27, 1985, Room N-401, Convention Center, 650 South Griffin Street, Dallas; and at 2:30 and 6:30 p.m. on March 28, 1985, in the city council chambers, 1000 Throckmorton Street, Fort Worth.

Copies of the proposed rule changes are available at the central office of the Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on April 12, 1985, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The amendments are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide 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.

§115.131. Control Requirements. No person shall transfer, or allow the transfer of, gasoline from any delivery vessel into a stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) which is located at a motor vehicle fuel dispensing facility unless the following conditions are met:

(1)-(2) (No change.)

(3) in **Dallas, El Paso,** Harris, **and Tarrant Counties** [County], the gasoline tank truck tank has been inspected for leaks within one year, as evidenced by a prominently displayed certification affixed near the DOT certification plate.

§115.132. Approved Vapor Balance System. When a vapor balance system is used to comply with the provisions of §115.131 of this title (relating to Control Requirements), the balance system will be assumed to meet the specified emission limitations if the following conditions are met:

(1)-(5) (No change.)

(6) in **Dallas, El Paso,** Harris, **and Tarrant Counties** [County], gauge pressure in the tank truck tank does not exceed 18 inches of water (4.5 kPa) or vacuum exceed six inches of water (1.5 kPa);

(7) in **Dallas, El Paso,** Harris, **and Tarrant Counties** [County], readings **are** less than 100% of the lower explosive limit (LEL, measured as propane) at one inch (2.5 centimeters) from potential leak sources when measured with a combustible gas detector.

§115.135. Compliance Schedule and Counties. All affected persons in the counties shown in the following table will be in compliance with the provisions of §115.131 of this title (relating to Control Requirements) and §115.132 of this title (relating to Approved Vapor Balance System) as soon as practicable but no later than the dates shown: