

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 January 6, 1988.

TRD-8800095

Allen Eli Bell  
Executive Director  
Texas Air Control Board

Effective date: January 27, 1988

Proposal publication date: October 6, 1987

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

## Chapter 115. Volatile Organic Compounds Vent Gas Control

### \*31 TAC §§115.162-115.164

The Texas Air Control Board (TACB) adopts amendments to §§115.162-115.164. Section 115.164 is adopted with changes to the proposed text published in the August 7, 1987, issue of the *Texas Register* (12 TexReg 2551). Section 115.162 and §115.163 are adopted without changes and will not be republished.

The amendments reduce the exemption limit in §115.163(b)(2) for Harris County to require controls on general vent gas streams from air oxidation synthetic organic chemical manufacturing processes having a true partial pressure of volatile organic compounds (VOC) of more than 0.009 pounds psia. The amendments also reduce these exemption limits to require controls on general vent gas streams from liquid phase polypropylene manufacturing processes, liquid phase slurry high-density polyethylene manufacturing processes, and continuous polystyrene manufacturing processes having a true partial pressure of VOC of more than 0.006 psia. The existing limit of 0.44 psia remains in effect until the final compliance date of the amendment. The amendment to §115.164 requires persons affected by the changes to §115.163(b)(2) to submit control plans to the TACB by no later than six months from the effective date of these sections and to be in final compliance no later than two years from that effective date. The amendments also replace all references to the term "true vapor pressure" with the term "true partial pressure," as defined in concurrent revisions to the TACB general rules, to more accurately describe the general vent gas streams to be affected by these sections.

These amendments satisfy United States Environmental Protection Agency (EPA) requirements and state implementation plan (SIP) commitments for the implementation of reasonably available control technology (RACT) as defined in the

"Guideline Series, Control of Volatile Organic Compounds From Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry," published in December, 1984, and "Guideline Series, Control of Volatile Organic Compounds From Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins," published in November, 1983.

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; a commenter who agreed with the proposal in its entirety is classified as being for the proposal.

Three commenters testified concerning adoption of the amendments. Those commenters against the proposal were Occidental Chemical Corporation, the American Lung Association, and EPA. No commenters were in favor of the proposal.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and the hearing transcript are available for inspection at the TACB central office, 6330 United States Highway 290 East, Austin, Texas 78723.

Three commenters representing the Occidental Chemical Corporation, the American Lung Association, and EPA raised issues which require a clarification of the administration and development of various provisions of the proposed general vent gas regulation. While no resulting change to the proposed text of the regulation appears necessary, a brief explanation of the intent behind the proposal may be appropriate.

Occidental Chemical Corporation indicated that vent gas from its air oxidation process for production of ethylene dichloride is currently controlled by catalytic incineration well below the current exemption level of 0.44 pounds psia. According to the testimony, this incinerator will satisfy the proposed exemption limit of 0.009 psia under normal operating conditions. However, the company expressed concern that additional incineration capacity would be required to handle emissions during start-up, shutdown, and upset conditions. TACB general rules, §101.6, concerning notification requirements for major upsets, and §101.7, concerning notification requirements for maintenance, allow for legitimate circumstances when start-ups, shutdowns, planned maintenance, or upsets may cause situations where emission limitations are temporarily exceeded. Therefore, Occidental's concern is unnecessary.

The American Lung Association questioned the rationale used by the TACB to establish the economic reasonableness of the 100 pounds per day exemption limit and the ceiling of \$1,000 per ton to deter-

mine cost-effectiveness. Sources which emit less than 100 pounds of VOC per day have been exempted from all TACB vent gas requirements since controls were originally established. These sources are considered to be too small to effectively regulate and do not represent a significant portion of the stationary source emissions inventory. EPA publishes control techniques guidelines (CTGs) for specific processes to define for industry and regulatory agencies controls considered to be RACT and to provide criteria for determining cost-effectiveness. The \$1,000 per ton limitation used by the TACB in setting the concentration exemption at 0.009 psia appears to satisfy that EPA criterion. However, additional control requirements on industrial sources may be necessary in response to additional SIP guidelines for areas which continue to exceed the national pollutant standards after 1987. A re-evaluation of all VOC regulations, including the vent gas controls, will be performed at that time.

EPA requested an explanation of the proposed exemption for vent gas streams with emissions greater than 100 pounds of VOC per day, but less than a daily average of 250 pounds per hour and having a specified true partial pressure. A misunderstanding has apparently arisen that the 250 pounds per hour emissions level represents an exemption limit. The TACB's intent, however, is that exemptions for sources between the 100 pounds per day and the 250 pounds per hour levels should be solely based on the concentration or partial pressure of VOC in the vent gas stream, not on the absolute level of emissions. The concentration which determines the exemption limit for air oxidation synthetic organic chemical manufacturing processes and various polyethylene, polypropylene, and polystyrene resin manufacturing processes has been determined by the cost-effectiveness of incinerating these dilute gas streams. The primary increase in the cost is associated with the additional fuel which must be injected into the combustion device in order to achieve an efficiently combustible mixture. Sources which may emit more than 250 pounds per hour are considered large enough to require incineration of all vent gases regardless of concentration or cost.

EPA's testimony noted that, in accordance with the CTG requirements, incinerators must be operated at greater than 1,600°F, rather than 1,300°F as proposed in the vent gas regulation. Alternatively, sources must provide emissions test results which demonstrate that the incinerator will achieve greater than 98% reduction efficiency or no more than a 20 parts per million (ppm) VOC emission rate, whichever is less stringent. General vent gas regulations previously adopted for other types of industrial sources have required applicable streams to be burned properly at greater than 1,300°F, and emissions testing requirements have traditionally

been an integral part of the evaluation of individual source compliance plans required by §115.164. It was assumed that this practice would continue to be acceptable to EPA in the administration of these proposed regulations. However, the applicable paragraphs of §115.164 may be revised to include a specification that all compliance plans submitted to the TACB in accordance with these regulations must include provisions for appropriate emissions testing to provide the necessary documentation of control efficiencies or final emissions rates within EPA's prescribed limits.

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.

**§115.164. Compliance Schedule and Counties.**

(a) (No change.)

(b) The provisions of §115.163 of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall apply in Dallas, Harris, and Tarrant Counties.

(1) All persons in Harris County affected by the provisions of §115.163(b)(2)(C) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall submit a final control plan to the Texas Air Control Board no later than December 31, 1983, and shall be in compliance with this section as soon as practicable but no later than December 31, 1986.

(2) All persons in Harris County affected by the provisions of §115.163(b)(2)(C) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall remain in compliance with the provisions of §115.162 of this title (relating to General Vent Gas Streams) until compliance is achieved with the provisions of §115.163(b)(2)(C) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties).

(3)-(4) (No change.)

(5) All persons in Harris County affected by the provisions of §115.163(b)(2)(A) or §115.163(b)(2)(B) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties):

(A) shall submit a final control plan to the Texas Air Control Board no later than six months from the effective date of this section which includes documentation of emission testing results demonstrating incinerator reduction efficiency of greater than 98% or a volatile organic compound emission rate of no more than 20 ppm, whichever is less stringent; and

(B) shall be in compliance with this section as soon as practicable but no later than two years from the effective date of this section.

(6) All persons in Harris County affected by the provisions of §115.163(b)(2)(A) or §115.163(b)(2)(B) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall remain in compliance with the provisions of §115.163(b)(2)(B) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) until compliance is achieved with the provisions of §115.163(b)(2)(A) or §115.163(b)(2)(B) of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties).

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 January 6, 1988.

TRD-8800097

Allen Ell Bell  
Executive Director  
Texas Air Control Board

Effective date: January 27, 1988  
Proposal publication date: August 7, 1987  
For further information, please call  
(512) 461-5711, ext. 354.

★31 TAC §§115.281-115.285

The Texas Air Control Board (TACB) adopts new §§115.281-115.285. Sections 115.281-115.284 are adopted with changes to the proposed text published in the August 7, 1987, issue of the *Texas Register* (12 TexReg 2552-2554). Section 115.285 is adopted without changes and will not be republished.

New §115.281, concerning control requirements, requires the detection and repair of volatile organic compound (VOC) leaks exceeding 10,000 parts per million by volume (ppmv) from any component of a natural gas/gasoline processing operation. New §115.282, concerning inspection requirements, describes the leak monitoring schedule and tagging requirements for specified components located at operations affected by §115.281. This section also identifies those components exempted from periodic inspections and provides the procedure for modifying the monitoring schedule. New §115.283, concerning recordkeeping requirements, requires the owner or operator of an operation affected by §115.281 to maintain a log for a minimum of two years of information regarding the identification and disposition of all leaks detected by the monitoring program. New §115.284, concerning exemptions, exempts valves with a nominal size of two inches or less under specific conditions, components which contact fluids that contain less than 1.0% VOC by weight, and components which contact liquids having a true vapor pressure equal to or greater than 0.147 psia at 68°F from the inspection, repair, monitoring, and recordkeeping requirements of §§115.281-115.283. Also exempt from these provisions are natural gas/

gasoline processing operations in temporary nonoperating status or which have a total design throughput of less than 10 million standard cubic feet of gas per day and do not have the capability to fractionate mixed natural gas liquids. New §115.285, concerning counties and compliance schedule, specifies that only natural gas/gasoline processing operations in Harris County will be affected by §§115.281-115.284 and requires submittal of a final compliance plan within six months of the effective date of these revisions with compliance no later than one year from that effective date.

These new controls satisfy the United States Environmental Protection Agency (EPA) requirements and State Implementation Plan (SIP) commitments for the implementation of Reasonably Available Control Technology (RACT) as defined in the "Guideline Series, Control of Volatile Organic Compound Emissions from Natural Gas/Gasoline Processing," published in December, 1983. 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; a commenter who agreed with the proposal in its entirety is classified as being for the proposal.

Four commenters testified concerning adoption of the amendments. Those commenters against the proposal were the EPA, Brandt Mannchen, Exxon Company, U.S.A., and the Gas Processors Association. No commenters were in favor of the proposal.

Copies of the written testimony and the hearing transcript are available for inspection at the TACB central office, 6330 United States Highway 290 East, Austin, Texas 78723.

Two commenters, EPA and Brandt Mannchen, raised issues regarding the proposed procedures and schedules required at affected facilities for the monitoring and repair of VOC leaks. Several changes to the proposed regulation were recommended to satisfy Control Technique Guidelines (CTG) provisions while other comments called for clarification of specific requirements and methods.

EPA indicated that the CTG requires that EPA Sampling Method 21 be used for the monitoring of VOC leaks and recommended the incorporation of this method by reference into the TACB regulation. Brandt Mannchen suggested that minimum quality assurance procedures be included, but did not specify a methodology. The TACB has traditionally chosen not to specify sampling methods in individual regulations in order to allow the staff flexibility in responding to rapidly changing technology and unforeseen circumstances, and to evaluate alternative methodologies proposed by specific

sources based on their own technical merits. However, the TACB also recognizes EPA authority to require specific methodologies to ensure national consistency and federal enforceability. Therefore, the TACB considers it appropriate to require all affected natural gas/gasoline processing operations to conform to EPA Method 21 in their monitoring programs.

Two comments were made regarding the proposed monitoring schedule. EPA indicated that the proposed annual monitoring of pump seals and valves in light-liquid service was inconsistent with the requirements of the CTG which requires quarterly monitoring. The staff recognizes this discrepancy and recommends appropriate changes to the monitoring schedule. Brandt Mannchen objected to any revision to the monitoring schedules for industries which would reduce the frequency of inspections. The proposed regulation allows the TACB executive director the authority to grant a revision to a source's monitoring schedule only after historical documentation of a low frequency of detected leaks. The executive director's decision can be reversed if subsequent monitoring indicates an increasing frequency in the occurrence of leaking components.

The proposed §115.281, concerning control requirements, requires sources to make every reasonable effort to make repairs of detected leaks, but allows sources to delay repairs which would create more emissions until the next scheduled unit shutdown. EPA requested a clarification of the term "every reasonable effort" and suggested an initial attempt at repairs be performed within five days. Brandt Mannchen requested a similar clarification and suggested that delayed repairs be required during either the next scheduled or unscheduled shutdown. Subsequent discussions with EPA have confirmed a primary concern that all repairs that are technically feasible are performed within the first 15 days following detection of a leak. Appropriate language can be added to the proposed text without substantive change to the original intent. The repair of leaks which must be delayed until a unit shutdown often requires considerable planning and preparation. Such preparation cannot always be made before or during an unanticipated shutdown and, therefore, cannot be reasonably required.

EPA and Brandt Mannchen requested a clarification of the criteria for determining the term "in good working order" used in the proposed §115.282, concerning inspection requirements, to identify equipment exempted from specified monitoring requirements. EPA suggested two portions of the New Source Performance Standards (NSPS) procedures for natural gas processing operations, 40 Code of Federal Regulations 60.482-2 and .482-3, be incorporated by reference into the

TACB regulations to provide this clarification. The TACB staff does not believe adoption of these NSPS provisions is necessary or appropriate. While the cited NSPS may define certain design criteria for affected equipment, it does not define operational standards and, in some cases, actually conflicts with leak monitoring requirements published in the applicable CTG. Assuming equipment used in an affected operation is designed, installed, and maintained in accordance with good engineering practice, the evaluation of the term "in good working order" is considered to be a compliance determination based on routine investigation by the TACB or other agencies. If a violation of any provision of a TACB regulation, including the requirements of an exemption, is observed, appropriate enforcement action will be taken.

Exxon Company, U.S.A. noted that the monitoring, repair, and recordkeeping requirements in the proposed regulations are similar to those required under current federal NSPS regulations for onshore natural gas processing plants, 40 Code of Federal Regulations 60, Subpart KKK. While the CTG is intended to provide RACT requirements for existing facilities and the NSPS program affects only new sources or modifications, an unnecessary duplication of effort could occur if a company was required to comply with the provisions of both programs. A source, therefore, should be required to satisfy only the more stringent provisions of the two programs. The control plan to be submitted by the company must include adequate documentation to demonstrate compliance with the provisions of the NSPS program and any additional measures to address provisions of the CTG requirements which may be more stringent or may not be covered by NSPS regulations.

Three proposed exemptions concerning inaccessible valves, temporary nonoperating facilities, and valves of two inches or less, were challenged in the testimony, while three additional exemptions concerning relief valves at unmanned facilities, reciprocating compressors, and positive displacement pumps, were recommended. Industry representatives also advocated raising the proposed exemption level for components contacting process fluids less than 1.0% VOC by weight to components contacting process fluids less than 10% by weight not including components used in wet gas service before the liquid extraction step in the process.

EPA and Brandt Mannchen suggested that the components to be covered by the exemption for inaccessible valves be clearly limited to avoid abuse and that even those valves legitimately excluded from quarterly inspections be monitored at least annually. The CTG specifically provides for annual monitoring of valves which are elevated more than two meters

above any permanent structure. A clarification of the term "inaccessible" to limit it to valves elevated more than two meters will be included in the TACB regulation, as well as the annual monitoring requirement.

EPA objected to the proposed exemption for temporary nonoperating facilities because VOC concentrations in process lines may still exceed 1.0% by weight whether the facility is being operated or not. The TACB's intent was to exclude only those facilities which not only have been removed from any service, but have also had all VOC containing materials purged from process lines and equipment. The language proposed for §115.284(d), therefore, may be revised to require facilities qualifying for this exemption to concurrently satisfy the criteria of §115.284(b)-(c). This change would essentially require all applicable facilities to drain all VOC fluids from process lines and should adequately address EPA concerns.

EPA also objected to the proposed exemption for valves with a nominal size of two inches or less, stating that a significant fraction of valves that are less than two inches have average leakage no different from any other valve. While the TACB agrees that any individual two-inch valve which is leaking may result in emissions similar to a larger valve, the exemption is conditioned on a demonstration by the affected source that the combined impact of all valves covered by the exemption would be insignificant. The TACB has provided this exemption for other types of industrial sources required to meet fugitive emissions regulations and continues to feel this conditional exemption is reasonable. If EPA, in conjunction with more stringent SIP guidelines or formal policy determinations, requires states to eliminate this exemption for all industries, the TACB will respond with appropriate rulemaking.

Representatives of the Gas Processors Association and Exxon Company, U.S.A. recommended revising the proposed exemption for components contacting process fluids of 1.0% VOC or less to be more consistent with the existing federal NSPS regulations.

The proposed regulations were intended to satisfy the commitment to adopt controls consistent with the requirements stipulated in the CTG published by EPA. Those guidelines, based on a technical and economic evaluation of RACT, stipulated the 1.0% VOC concentration limitation incorporated into the proposed regulations; no less stringent limitation can be considered without violating that commitment. Furthermore, TACB evaluation of the proposed exemption level indicates it will, in effect, require the monitoring and repair of all components of an affected process except for product natural gas streams. This is consistent with the application of NSPS requirements for all process streams with greater than 10% VOC

by weight or in wet gas service.

The Gas Processors Association requested that an additional exemption be included for principally unmanned natural gas/gasoline processing operations which would allow for the testing of relief valves venting to the atmosphere at the next routine monitoring inspection rather than within the proposed 24-hour period. The commenter contended that the resource requirements needed to respond to the proposed monitoring of such vents at unattended facilities was unreasonable and unnecessary. Furthermore, the extended time period for relief valve testing at unmanned facilities should be consistent with existing NSPS requirements of monitoring within 30 days. The staff feels this is a legitimate concern and recommends the adoption of an appropriate exemption for relief valve monitoring at unmanned facilities.

The Gas Processors Association also suggested exemptions be allowed for two specific types of process equipment, reciprocating compressors and positive displacement pumps. According to the testimony, this equipment is intentionally designed to have a small amount of process fluid leakage and, even when well maintained, will likely exceed the 10,000 ppm leak threshold established in the regulations. While the CTG document discusses the particular problems associated with these types of equipment, it does not specifically provide for an exemption from control requirements except for wet gas service reciprocating compressors in plants that do not have a VOC continuous device such as a flare or a continuous burning process heater or boiler. Furthermore, NSPS requirements for natural gas processing plants exempt reciprocating compressors in wet gas service. The staff is unaware of any feasible method of controlling these designed leaks or any practical alternative to the use of the affected equipment in most applications and, therefore, concurs with the industry recommendation.

Finally, Brandt Mannchen opposed all of the exemptions proposed in §115.284 since he stated that Harris County continues to be severely nonattainment and need(s) to have maximum controls applied. The elimination of all exemptions unrealistically assumes the availability of unlimited private and public resources to implement and enforce control measures. The exemptions allowed in the proposed regulations are consistent with the provisions of the CTG published by EPA which provide for consideration of economic reasonableness when establishing control measures for nonattainment areas.

EPA recommended two additions to the proposed recordkeeping requirements to provide information regarding the estimated emissions from leaking components and the reasons for delays in necessary repairs. While no accurate

method for estimating actual emissions from a leaking component is currently available, a reasonable measure of the relative benefit of the program may be obtained by comparing test readings before and after completed repairs. Since the instrument reading of the recheck procedures was proposed, only the instrument reading of the initial monitoring of a leaking component is needed. This can be easily accomplished by expanding the proposed §115.283(a)(4) to include recording of the additional data.

In addition, a company should be reasonably expected to report the reasons for a delay in any indicated repair until the next shutdown. This can be accomplished by expanding proposed §115.283(a)(8).

Brandt Mannchen suggested facilities affected by the proposed control requirements be required to maintain records for a minimum of five years, rather than the proposed two years. Since natural gas/gasoline processing operations affected by these regulations will be routinely inspected by TACB or local agencies, two years of data from the fugitive monitoring programs should enable enforcement personnel to adequately determine compliance with all requirements. Furthermore, the TACB maintains compliance records on file indefinitely, providing the opportunity to observe consistent or recurring problems or violations at any individual source.

The Gas Processors Association and Exxon Company, U.S.A., questioned the reasonableness of a control which apparently would affect only two sources in Harris County and would achieve only limited VOC reductions. EPA published the CTG for the natural gas/gasoline processing industry to establish RACT based on a national assessment of control methods and cost-effectiveness. The TACB proposed to adopt regulations consistent with the CTG guidelines in order to satisfy a commitment in the SIP. Failure to adopt these regulations could be considered by EPA to be nonimplementation of the SIP which would subject Harris County to the threat of economic sanctions.

These two commenters also expressed concern that the controls adopted as a result of this rulemaking process may be proposed for additional areas of the state in the future. Brandt Mannchen advocated the immediate expansion of these requirements to all of the counties adjacent to Harris County to address the regional nature of ozone formation. While EPA guidelines for post-1987 ozone nonattainment areas have not been officially published, it is expected that control requirements for additional areas, including the consolidated metropolitan statistical areas for most urban areas, will likely stipulate the application of all CTG measures. The TACB will address these requirements during the development of the post-1987 SIP revisions after careful consideration of all planning options.

The new section is 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.

**§115.281. Control Requirements.** No person shall operate a natural gas/gasoline processing operation, as defined in §101.1 of this title (relating to Definitions), without complying with the following requirements.

(1) No component shall be allowed to leak, as defined in §101.1 of this title (relating to Definitions), volatile organic compounds (VOC) with a VOC emission concentration exceeding 10,000 parts per million by volume (ppmv). Leak detection shall be performed in accordance with 40 CFR 60, Appendix A, Method 21, hereby incorporated by reference.

(2) All technically feasible repairs to a leaking component, as specified in paragraph (1) of this subsection, shall be made within 15 days after the leak is found. If the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled shutdown.

(3) All leaking components, as defined in paragraph (1) of this section, which cannot be repaired until the unit is shut down for turnaround shall be identified for such repair by tagging. The executive director at his discretion may require early unit turnaround or other appropriate action based on the number and severity of tagged leaks awaiting turnaround.

(4) Except for safety pressure relief valves, no valves shall be installed or operated at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken or, during maintenance operations.

(5) Pipeline valves and pressure relief valves in gaseous VOC service shall be marked in some manner that will be readily obvious to monitoring personnel.

**§115.282. Inspection Requirements.**

(a) The owner or operator of a natural gas/gasoline processing operation shall conduct a monitoring program consistent with the following provisions:

(1) Measure yearly (with a hydrocarbon gas analyzer) the emissions from all valves elevated more than two meters above any permanent structure.

(2) Measure quarterly (with a hydrocarbon gas analyzer) the emissions from all:

- (A) compressor seals;
- (B) pipeline valves;
- (C) pressure relief valves in gaseous service; and
- (D) pump seals.

(3) Visually inspect, weekly, all pump seals.

(4) Measure (with a hydrocarbon gas analyzer) the emissions from any pump seal from which liquids having a true vapor pressure greater than 0.147 psia, (1.013 kPa) at 68°F (20°C) are observed dripping.

(5) Measure (with a hydrocarbon gas analyzer) emissions from any relief valve which has vented to the atmosphere within 24 hours at manned facilities or within 30 days at unmanned facilities.

(6) Measure (with a hydrocarbon gas analyzer) immediately after repair, the emissions from any component that was found leaking.

(b) The following items are exempt from the monitoring requirements of subsection (a) of this section:

(1) pressure relief devices connected to an operating flare header, components in continuous vacuum service, and valves that are not externally regulated (such as in-line check valves);

(2) pressure relief valves that are downstream of a rupture disk which is intact;

(3) positive displacement pumps and pumps in liquid service that are equipped with dual pump seals, barrier fluid system, seal degassing vents, and vent control systems kept in good working order; and

(4) reciprocating compressors and compressors that are equipped with degassing vents and vent control systems kept in good working order.

(c) The owner or operator of a natural gas/gasoline processing operation upon the detection of a component leaking more than 10,000 ppmv of volatile organic compounds shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired.

(d) The monitoring schedule of subsection (a)(1)-(3) of this section may be modified as follows.

(1) After at least two complete annual checks, the operator of a process may request in writing to the Texas Air Control Board that the monitoring schedule be revised. This request shall include data that have been developed to justify any modification in the monitoring schedule.

(2) After at least two complete quarterly checks of pipeline valves in gaseous service, the operator of a process may request in writing to the Texas Air Control Board that the monitoring schedule for pipeline valves in gaseous service be revised. This request shall include data that have been developed to justify any modification in the monitoring schedule.

(3) If the executive director of the Texas Air Control Board determines that there is an excessive number of leaks in any given process, he may require an increase in the frequency of monitoring for that process.

(e) The executive director of the Texas Air Control Board may approve an alternative monitoring method if the process operator can demonstrate that the alternate

monitoring method is equivalent to the method required by this section. Any request for an alternate monitoring method must be made in writing to the executive director.

#### §115.283. Recordkeeping Requirements.

(a) The owner or operator of a natural gas/gasoline processing operation shall maintain a leaking components monitoring log for all leaks of more than 10,000 ppmv of volatile organic compounds detected by the monitoring program required by §115.282 of this title (relating to Inspection Requirements). This log shall contain, at a minimum, the following data:

(1) the name of the process unit where the component is located;

(2) the type of component (e.g., valve or seal);

(3) the tag number of the component;

(4) the date and instrument reading of the initial check procedure when a leaking component is discovered;

(5) the date on which a leaking component is repaired;

(6) the date and instrument reading of the recheck procedure after a leaking component is repaired;

(7) a record of the calibration of the monitoring instrument;

(8) identification of those leaks that cannot be repaired until turnaround and justification of the delay in making necessary repairs; and

(9) the total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Monitoring records shall be maintained for two years and be made available for review by authorized representatives of the Texas Air Control Board or local air pollution control agencies.

#### §115.284. Exemptions.

(a) Valves with a nominal size of two inches (5.0 cm) or less are exempt from the requirements of §115.281 of this title (relating to Control Requirements), §115.282 of this title (relating to Inspection Requirements), and §115.283 of this title (relating to Recordkeeping Requirements) provided allowable emissions at any plant from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (5.0 cm) nominal size or smaller under this section shall at the time he provides his control plan also provide the following information:

(1) identification of valves or classes of valves to be exempted;

(2) an estimate of uncontrolled emissions from exempted valves and an es-

timate of emissions if controls were applied plus an explanation of how the estimates were derived;

(3) an estimate of the total volatile organic compound (VOC) emissions within the process from sources affected by §115.281 of this title (relating to Control Requirements), §115.282 of this title (relating to Inspection Requirements), and §115.283 of this title (relating to Recordkeeping Requirements) after controls are applied and assuming no exemptions for small valves, plus an explanation of how the estimate was derived.

(b) Components which contact a process fluid that contains less than 1.0% VOC by weight are exempt from the requirements of §115.281 of this title (relating to Control Requirements), §115.282 of this title (relating to Inspection Requirements), and §115.283 of this title (relating to Recordkeeping Requirements).

(c) Components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.147 psia (1.013 kPa) at 68°F (20°C) are exempt from the requirements of §115.281 of this title (relating to Control Requirements), §115.282 of this title (relating to Inspection Requirements), and §115.283 of this title (relating to Recordkeeping Requirements) if the components are inspected visually according to the inspection schedules specified within these same sections.

(d) Natural gas/gasoline processing units in a temporary nonoperating status and which satisfy the conditions of subsections (b)-(c) of this section are exempt from the requirements of §115.281 of this title (relating to Control Requirements), §115.282 of this title (relating to Inspection Requirements), §115.283 of this title (relating to Recordkeeping Requirements), and §115.285 (b) of this title (relating to Counties and Compliance Schedule). All natural gas/gasoline processing operations affected by this subsection shall notify the Texas Air Control Board of any nonoperating process units when they are shut down and dates of any start-ups as they occur.

(e) Processes at the same location but unrelated to the production of natural gas/gasoline processing are exempt from the requirements of this undesignated head.

(f) Natural gas/gasoline processing units where the total design throughput at a property is less than 10 million standard cubic feet of gas per day and there is no capability to fractionate the mixed natural gas liquids are exempt from the requirements of this undesignated head.

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 January 6, 1988.

TRD-8800096 Allen Ell Bell  
Executive Director  
Texas Air Control Board

## Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

### \*31 TAC §§116.5, 116.7, 116.10

The Texas Air Control Board (TACB) adopts amendments to §§116.5, 116.7, and 116.10. Section 116.5 is adopted with changes to the proposed text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3533). Section 116.7 and §116.10 are adopted without changes and will not be republished.

The amendments respond to new requirements of House Bill 5, 70th Legislature, 1987 (Texas Civil Statutes, Article 6252-13(b).1), which requires the TACB to establish time limits and an appeals process for staff review of permit applications and the issuance of permits. An additional amendment to §116.7 reflects recodification of the federal rules cited in the section.

The amendments add requirements for the executive director to notify a permit applicant within a specified period of time of receipt of a complete application and of any deficiencies in an application if it is incomplete. The amendments to §116.7 (e) and to §116.10(c)(1) provide that a public hearing or any delay in public notification could lengthen the specified period of time. The amendments to §§116.5, 116.7(h), and 116.10(f) provide for an appeal process relating to the time limits for issuance or denial of permits, special permits, and amendments.

The amendments to §116.7(e)(3)(D) include the replacement of the old federal section numbers with new numbers which were published by the United States Environmental Protection Agency (EPA) in November, 1986, as a recodification of 40 Code of Federal Regulations §51. The new section numbers replace the old in order to make accurate the citation in §116.7(e)(3)(D).

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. A commenter who agreed with the proposal in its entirety is classified as being for the proposal.

A public hearing was held November 5, 1987, in Austin. Testimony was received from 10 commenters during the comment period concerning the proposed amend-

ments and other related matters. Brandt Mannchen commented in favor of the proposal. Those commenting against the proposal were Rohm and Haas Texas, Incorporated; Texas Mid-Continent Oil and Gas Association (TMOGA); Natural Gas Pipeline Company of America; Texas Eastman Company (Kodak); the Texas Chemical Council (TCC); Dow Chemical Company; the Sierra Club; and EPA.

Most of the comments addressed the specific time frames proposed in §§116.5, 116.7, and 116.10. A few additional comments addressed the preamble language which accompanied the proposed amendments, and some addressed administrative matters relating to the TACB permitting process and the submittal of proposed revisions to the State Implementation Plan (SIP). The following discussion addresses the comments on the specific revisions contained in the October 2 proposal first and the general comments second.

Eight commenters submitted remarks concerning the proposed changes to §§116.5, 116.7, and 116.10. Brandt Mannchen supported the proposal. The Sierra Club recommended that specific language be added to the sections to clarify that time delays due to public hearings and related matters are not included in the computation of the time frames as proposed. The preamble language which accompanied the proposed amendments in the October 2 proposal stated that the satisfaction of public interest and/or public opposition by way of public hearings and meetings would extend the time for completion of application review. In addition, §116.7(e) and §116.10(c) contain language which provides an exception for any time delays due to public hearings and public meetings. However, §116.5 lacks any such language. Consequently, a similar statement has been added to §116.5 to clarify the issue in that section.

Rohm and Haas Texas, Incorporated; TMOGA; Natural Gas Pipeline Company of America; Kodak; TCC; and Dow objected to the time frames proposed in §§116.5, 116.7, and 116.10. These commenters interpreted the proposed time frames to be an excessive lengthening of the various steps of the TACB permitting process. The commenters explained in detail that many problems and additional costs could result if the TACB used a greater length of time to complete each step in issuing a permit.

The time frames were proposed in each of the three sections to satisfy statutory requirements and to establish a maximum time for the TACB staff to complete the review of lengthy, complicated, worst case applications. TMOGA, among others, suggested a different set of time frames and stressed that its proposal represents maximum reasonable periods for review and processing under normal conditions, and that they are not intended to be treated as times routinely al-

lowable for these activities. TMOGA and the TACB agree on this issue, the only difference being the number of days in each time frame. The TACB-proposed time frames are based upon recent experience and a thorough evaluation of the range of time requirements for review. The TACB staff does not propose to lengthen the permit application review process to coincide with the stated time frames. On the contrary, the staff intends to maintain current patterns of timing and, whenever possible, to shorten the times needed to complete the steps in the review process. However, in a worst case situation involving a complicated review, delays in public notice by the applicant, and/or other factors, the issuance or denial of a permit could be delayed, causing the staff to miss the stated deadline and lose permit fee revenue. The most likely application to miss a deadline would be one submitted for a multimillion dollar project carrying a large permit fee. The agency cannot afford to forfeit large amounts of fee revenue or to shortcut the review process. Consequently, while the staff does not intend to use the allotted time in most instances, additional time has been built into the process to cover the most difficult cases.

Kodak, Dow, and TCC requested that a comprehensive definition of application completeness or that a list of completeness criteria be added to the amended sections. The TACB staff believes that formal rulemaking is not an efficient means for providing such information. The many and various types and sizes of permit applications require that the staff treat each one separately with special attention to individual qualifications and deficiencies. Placement of application completeness criteria within Regulation VI would increase the rigidity of the permitting rules where flexibility is needed, and likely would result in frequent revisions to the rules to provide for specific, individual criteria. The staff is available to discuss with any potential applicant the completeness criteria for any type of proposed project. Much of the information is also available with forms provided to each permit applicant.

Kodak suggested that the staff justification for the number of days established for each time frame be included in each of the revised §§116.5, 116.7, and 116.10. The statute (Texas Civil Statutes, Article 252-13(b).1) requires that a justification of the proposed time frames be published with the proposed sections, not in the proposed sections. Since the justification is not critical to the section in practice, the staff believes it should not be part of the section. Further, the preamble to the October 2 proposal contained the required justification, and further publication appears unnecessary.

EPA recommended that its comments of September 7, 1984, be addressed if the TACB plans to adopt §116.7 in a manner