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Pages 6045-6128

In This Issue...

Attorney General

Open Records Decisions

6053-ORD-511 (RQ-1411)

6053-ORD-512 (RQ-1519)

Opinions

6053-JM-984 (RQ-1469)

6053-JM-985 (RQ-1483)

Requests for Opinions

6053-(RQ-1591)-(RQ-1600)

Proposed Sections

Texas Department of Agriculture

6055-Seed Certification Standards

State Securities Board

6055-Terminology

6055-Transactions Exempt from Registration

6056-Administrative Guidelines for Registration of Equipment Programs

Public Utility Commission of Texas

6063-Substantive Rules

Texas State Board of Dental Examiners

6068-Conduct

Board of Vocational Nurse Examiners

6068-Administration

6069-Education

Texas State Board of Public Accountancy

6069-Professional Conduct

Texas Department of Human Services

6070-Child Protective Services

Texas Rehabilitation Commission

6072-Memoranda of Understanding with Other State Agencies

Withdrawn Sections

State Securities Board

6073-Dealers and Salesmen

Board of Nurse Examiners

6073-Licensure and Practice

State Property Tax Board

6073-Tax Record Requirement

Adopted Sections

State Securities Board

6075-Confidentiality of Information

6075-Exemptions by Rule or Order

State Board of Dental Examiners

6075-Extension of Duties of Auxiliary Personnel

Board of Nurse Examiners

6076-Bylaws

Statewide Health Coordinating Council

6077-Health Planning and Resource Development

General Land Office

6079-Energy Resources

Texas Parks and Wildlife Department

6080-Fisheries

Texas Air Control Board

6081-General Rules

6082-Control of Air Pollution from Volatile Organic Compounds

State Property Tax Board

6094-Tax Record Requirements

Texas Department of Public Safety

6094-Commercial Driver Training School Regulations

State Board of Insurance Exempt Filing

6100-Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

Open Meetings

6103-Texas Department of Agriculture

6103-Automated Information and Telecommunication Council

CONTENTS CONTINUED INSIDE

paints used on roadways, pavement, swimming pools, and similar surfaces; aerosol spray products; and concentrated color additives.

Automotive primer or primer surfacers (used in automobile refinishing)—Any base coat, sealer, or intermediate coat which is applied prior to colorant or aesthetic coats. Excluded are sealants applied over bare metal solely for the prevention of flash rusting.

Automotive wipe-down solutions—Any solution used for cleaning and surface preparation.

Coating application system—Devices or equipment designed for the purpose of applying a coating material to a surface. The devices may include, but not be limited to, brushes, sprayers, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters.

Delivery vessel/tank-truck tank—Any tank-truck or trailer that is equipped with a storage tank having a capacity greater than 1,000 gallons.

Exempt solvent—Those carbon compounds or mixtures of carbon compounds used as solvents which have been excluded from the definition of volatile organic compounds (VOC).

Flexographic printing process—A method of printing in which the image areas are raised above the non-image areas, and the image carrier is made of an elastomeric material.

Non-flat architectural coating—Any coating which registers a gloss of 15 or greater on an 85 degrees gloss meter or five or greater on a 60 degrees gloss meter, and which is identified on the label as gloss, semi-gloss, or eggshell enamel coating.

Packaging rotogravure printing—Any rotogravure printing upon paper, paper board, metal foil, plastic film, or any other substrate which is, in subsequent operations, formed into packaging products or labels.

Publication rotogravure printing—Any rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, or other types of printed materials.

Rotogravure printing—The application of words, designs, and/or pictures to any substrate by means of a roll printing technique which involves a recessed image area. The recessed area is loaded with ink and pressed directly to the substrate for image transfer.

Surface coating processes—Operations which utilize a coating application system.

(A)-(K) (No change.)

Transfer efficiency—The amount of coating solids deposited onto the surface of a part or product divided by the total amount of coating solids delivered to the coating application system.

Vapor balance system—A system which provides for containment of hydrocarbon vapors by returning displaced vapors from the receiving vessel back to the originating vessel.

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 November 30, 1988.

TRD-8812240

Allen Eli Bell
Executive Director
Texas Air Control Board

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Proposal publication date: June 7, 1988

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

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Facilities for Loading and Unloading of Volatile Organic Compounds

• 31 TAC §115.111, §115.113

The Texas Air Control Board (TACB) adopts amendments to §115.111 and §115.113. Section 115.111 is adopted with changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2797). Section 115.113 is adopted without changes and will not be republished.

The amendments to §115.111, concerning throughput and control requirements, specify that for gasoline terminals in Dallas and Tarrant counties, inspections for liquid and vapor leaks must be performed during transfer operations and that annual leak testing be conducted on all tank trucks which use these facilities. The amendments also establish necessary test methods and recordkeeping requirements. The amendments to §115.113, concerning compliance schedules and counties, require affected gasoline terminals to begin maintaining records no later than August 31, 1990. Various additional changes to these sections clarify and simplify the enforcement of current requirements.

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, an individual commenter Exxon Company, U.S.A. (Exxon), Mobil Oil Corporation (Mobil), and the Environmental Protection Agency (EPA), testified against the proposed amendments to §115.111, while no comments were received in favor of the proposal. No comments were received regarding amendments to §115.113.

A 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 United States Highway 290 East, Austin, Texas 78723.

Mobil and Exxon objected to the recordkeeping as impractical, especially at automated facilities open 24 hours a day, and at terminals which serve common carriers. Both companies also objected to the requirement to ensure that annual leak testing is conducted on all tanktrucks serviced at an affected terminal. The specified

recordkeeping is necessary to document compliance with existing control requirements. These requirements prohibit anyone from allowing the transfer of gasoline into tanktrucks which have not been properly tested; therefore, terminals have a responsibility to restrict the access of unauthorized trucks to loading facilities.

The individual commenter suggested that leak inspections during loading operations should include testing for vapors, as well as liquid leaks. While the use of instruments to test for vapors is impractical, a visual inspection for visible fumes and significant odors is reasonable.

EPA stated that once a terminal exceeds the established throughput exemption level, it should always be subject to the controls unless throughput is limited by an enforceable restriction, such as a board order. Exemption conditions are enforceable regulatory limitations and notices of violation will be issued when any limitation is exceeded. Consistent with the enforcement policy for other control limits, additional controls are only required when a historical record of violations indicate modifications are necessary to ensure future compliance.

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 purpose 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 system vent per 1,000 gallons (40 mg/liter) of gasoline transferred.

(F) (No change.)

(3) (No change.)

(4) Vapor recovery systems and

loading equipment at gasoline terminals must be designed and operated to meet the following conditions.

(A)-(B) (No change.)

(C) No avoidable liquid or gaseous leaks shall exist during loading and unloading operations. Inspection for visible liquid leaks, visible fumes, or significant odors resulting from gasoline dispensing operations shall be conducted by the owner or operator of the gasoline terminal or the owner or operator of the tank-truck Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(5) Gasoline tank-truck tanks being loaded in Dallas, El Paso, Harris, and Tarrant Counties must have been leak tested within one year, in accordance with the requirements of §§115.261-115.264 of this title (relating to Emission Control Requirements; Testing Requirements; Recording Requirements; and Compliance Schedule and Counties) as evidenced by prominently displayed certification, affixed near the DOT certification plate.

(6) Compliance with paragraph (2) of this section shall be determined by applying the following test methods, as appropriate:

(A) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for determining flow rates, as necessary;

(B) Test Method 25 (40 Code of Federal Regulation 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(C) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(D) additional test procedures described in 40 Code of Federal Regulations 60.503c-f; or

(E) equivalent test methods approved by the executive director.

(7) The owner or operator of any gasoline terminal in Dallas or Tarrant County shall maintain the following information at the facility for at least two years and shall make such information available to representatives of the Texas Air Control Board or local air pollution control agency having jurisdiction in the area, upon request:

(A) a daily record of the total throughput of gasoline loaded at the facility; and

(B) for gasoline terminals having 20,000 gallons (75,708 liters) or more throughput per day (averaged over any consecutive 30-day period):

(i) a comprehensive record of all tanktrucks loaded, including the certification number of the delivery vessel and the date of the last leak testing required by paragraph (5) of this section;

(ii) a daily record of the certification number of all delivery vessels loaded at the affected terminal;

(iii) a daily record of the number of delivery vessels loaded at the terminal and the quantity of gasoline loaded to each delivery vessel; and

(iv) a record of the results of any testing conducted at the terminal in accordance with the provisions specified in paragraph (6) of this section.

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 November 30, 1988.

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Allen Ell Bell
Executive Director
Texas Air Control Board

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

Filling of Gasoline Storage Vessels (Stage I)

• 31 TAC §§115.131, 115.132, 115.134, 115.135

The Texas Air Control Board (TACB) adopts amendments to §§115.131, 115.132, 115.134, and 115.135. Section 115.132 is adopted with changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2802). Sections 115.131, 115.134, and 115.135 are adopted without changes and will not be republished.

The amendments to §115.131, concerning control requirements, require annual tank-truck leak testing to be performed in accordance with §§115.261-115.264 of this title, concerning volatile organic compounds leaks from gasoline tank-trucks in Dallas, El Paso, Harris, and Tarrant counties. The amendments also specify necessary test methods and recordkeeping requirements. The amendments to §115.132, concerning approved vapor balance systems, require the performance of inspections and repairs of leaks during the transfer of gasoline from tank-trucks. The amendments to §115.134, concerning exemptions, delete the current ex-

emption for stationary containers less than 2,000 gallons installed prior to December 10, 1976. The amendments to §115.135, concerning compliance schedule and counties, require affected facilities to begin maintaining specified records no later than August 31, 1990. Various additional changes to these sections clarify and simplify the enforcement of current requirements.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, 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 for the proposal.

Four commenters, an individual commenter, Exxon Company, U.S.A. (Exxon), Mobil Oil Corporation (Mobil), and Houston Lighting and Power (HL&P), testified against the proposed amendments to §115.131 and §115.132, while no comments were received in favor of the proposals. No comments were received regarding amendments to §115.134 and §115.135. A 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 Highway 290 East, Austin, Texas 78723.

Mobil and Exxon objected to the requirement to ensure that annual leak testing is conducted on all tank-trucks serviced at an affected dispensing facility. Existing control requirements prohibit anyone from allowing the transfer of gasoline from tank-trucks which have not been properly tested; therefore, gasoline dispensing facilities have a responsibility to restrict the access of unauthorized trucks.

HL&P and Mobil expressed concern that the proposed 0.8 psia emission limitation on gasoline dispensing facilities would require additional testing of vapor balance systems or installation of costly control equipment at individual stations. The limitation is based on the 90% control efficiency required by the federal guidance documents for Stage I controls and does not represent tightening of the control requirements. As clearly stated in §115.132, use of an acceptable vapor balance system will automatically be assumed to satisfy the limitation without further demonstration or control.

The individual commenter proposed that leak inspections include testing for vapors, as well as liquid leaks. While the use of instruments to test for vapor leaks during all gasoline transfers is impractical, a visual inspection for visible fumes and significant odors is reasonable.

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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.132. Approved Vapor Balance System. A vapor balance system will be assumed to comply with the specified emission limitation of §115.131(2) of this