

sion during gasoline transfer into the storage container is through a storage container vent line equipped either with an orifice no greater than 3/4 inch (1.9 cm) internal diameter or a pressure-vacuum relief valve set to open at a pressure of no less than eight ounces per square inch (3.4 kPa);

(6) the delivery vessel is kept vapor-tight at all times (except when gauging) until the captured vapors are discharged to a loading facility with vapor recovery equipment, if the delivery vessel is refilled in one of the counties listed in §115.229 of this title (relating to Counties and Compliance Schedules);

(7) in Dallas, El Paso, Harris, and Tarrant Counties, 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); and

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

**§115.223. Alternate Control Requirements.** For all affected persons in the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

**§115.224. Inspection Requirements.** For all affected persons in the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), the following inspection requirements shall apply.

(1) Inspections for liquid leaks, visible vapors, or significant odors resulting from gasoline transfer shall be conducted at motor vehicle fuel dispensing facilities. Gasoline transfer shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(2) In Dallas, El Paso, Harris, and Tarrant Counties, the gasoline tank-truck tank has been inspected for leaks within one year in accordance with the requirements of the undesignated head of this title (relating to Control of Volatile Organic Compound Leaks from Gasoline Tank-Trucks), as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate.

**§115.225. Testing Requirements.** For all affected persons in the counties referenced

in §115.229 of this title (relating to Counties and Compliance Schedules), compliance with §115.221 of this title (relating to Emission Specifications) or §115.222 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

(2) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

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

(4) 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;

(5) Test Method 21 (40 Code of Federal Regulations 60, Appendix A) for determining volatile organic compound leaks; or

(6) equivalent test method approved by the executive director.

**§115.226. Recordkeeping Requirements.** For the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), the owner or operator of any motor vehicle fuel dispensing facility subject to the control requirements of this section shall maintain the following records for at least one year:

(1) a record of the dates on which gasoline was delivered to the dispensing facility;

(2) the leak test certification number, required by §115.224(2) of this title (relating to Inspection Requirements), of each delivery vessel from which gasoline was transferred to the facility; and

(3) a record of the results of any testing conducted at the motor vehicle fuel dispensing facility in accordance with the provisions specified in §115.225 of this title (relating to Testing Requirements).

**§115.227. Exemptions.** For all affected persons in the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Stationary gasoline storage containers with a nominal capacity less than or equal to 1,000 gallons (3,785 liters) are exempt from this undesignated head concerning Stage I filling of gasoline storage vessels.

(2) Transfers to the following stationary receiving containers are exempt

from the requirements of this undesignated head concerning Stage I filling of gasoline storage vessels:

(A) containers used exclusively for the fueling of implements of agriculture;

(B) storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent; and

(C) stationary storage tanks located at a facility which dispenses less than 120,000 gallons (454,249 liters) of gasoline per year.

**§115.229. Counties and Compliance Schedules.** All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, and Tarrant Counties shall be in compliance with this undesignated head concerning Stage I filling of gasoline storage vessels in accordance with the following schedules:

(1) all compliance schedules which have expired prior to the adopted effective date of this section in accordance with §115.930 of this title (relating to Compliance Dates); and

(2) all persons affected by the provisions of §115.226 of this title (relating to Recordkeeping Requirements) shall be in compliance:

(A) in the Dallas and Tarrant Counties as soon as practicable but no later than August 31, 1990; and

(B) in Brazoria, El Paso, Galveston, and Harris Counties as soon as practicable but no later than December 31, 1990.

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 July 19, 1989.

TRD-8906399      Allen Eli Bell  
Executive Director  
Texas Air Control Board

Proposed date of adoption: December 15, 1989

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

◆      ◆      ◆  
**Volatile Organic Compound  
Leaks from Gasoline Tank-  
Trucks**

◆      ◆      ◆  
• 31 TAC §§115.234-115.236,  
115.239

The Texas Air Control Board (TACB) proposes new §§115.234-115.236 and 115.239, concerning control of volatile organic compound leaks from gasoline tank-trucks; which

contain the provision of existing §§115.261-115.264, concerning control of volatile organic compound leaks from gasoline tank trucks in Dallas, El Paso, Harris, and Tarrant Counties. This new undesignated head will be included in a proposed new Subchapter C, concerning volatile organic compound marketing operations. While in most instances the proposal does not involve new requirements, the sections have been significantly reorganized to reduce the inconsistencies which have developed as a result of numerous independent revisions in the past. Several substantive changes, however, are also proposed in order to respond to the Environmental Protection Agency requirements of Phase I of the Post-87 State Implementation Plan (SIP) revisions.

These changes are a part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of the existing Chapter 115 in its entirety and the addition of a new Chapter 115.

The proposed new §115.234, concerning inspection requirements, specifies applicable inspection procedures and schedules. The proposed new §115.235, concerning testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable controls or exemptions. The proposed new §115.236, concerning recordkeeping requirements, specifies the type of records to be kept to document satisfaction of exemption criteria or performance of applicable control devices. The proposed new §115.239, concerning counties and compliance schedules, requires all affected facilities to be in compliance in accordance with all expired schedules.

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

Les Montgomery, director of technical support and regulation development program, has determined that for each of the first five years the sections as proposed are in effect the public benefit anticipated as a result of implementing the sections will be more effective and consistent enforcement associated with the control of volatile organic compounds. In addition, these measures are necessary to address the requirements of Phase I of the Post-87 SIP revisions. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections are available at the central office of the TACB, 6330 High-

way 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 hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 25, 1989, at the TACB central office will be included in the hearing record.

The new sections 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.

**§115.234. Inspection Requirements.** No persons in the counties referenced in §115.239 of this title (relating to Counties and Compliance Schedules) shall allow a gasoline tank-truck tank to be filled or emptied at any facility affected by the undesignated head of this title (relating to Loading and Unloading of Volatile Organic Compounds) or the undesignated head of this title (relating to Filling of Gasoline Storage Vessels (Stage I) For Motor Vehicle Fuel Dispensing Facilities) unless the tank being filled or emptied has passed a leak-tight test within the past year as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate which:

(1) shows the date the gasoline tank-truck tank last passed the leak-tight test required by §115.235 of this title (relating to Testing Requirements); and

(2) shows the identification number of the gasoline tank-truck tank.

**§115.235. Testing Requirements.** For all affected persons in the counties referenced in §115.239 of this title (relating to Counties and Compliance Schedules), the following testing requirements shall apply.

(1) The owner or operator of any gasoline tank-truck which loads or unloads at any gasoline terminal, gasoline bulk plant, or motor vehicle fuel dispensing facility shall cause each such tank-truck tank to be tested annually to insure that the tank is vapor-tight.

(2) Any tank failing to meet the testing criteria of paragraph (1) of this section shall be repaired and retested within 15 days.

(3) Testing required in paragraph (1) of this section shall be conducted in accordance with the following test methods, as appropriate:

(A) Test Method 27 (40 Code of Federal Regulations 60, Appendix A) for determining vapor tightness of gasoline delivery tank using pressure-vacuum test such that the pressure in the tank must change no more than three inches of water

(0.75 kPa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kPa) and when evacuated to a vacuum of six inches of water (1.5 kPa); or

(B) modifications to these test methods approved by the executive director.

**§115.236. Recordkeeping Requirements.** For all affected persons in the counties referenced in §115.239 of this title (relating to Counties and Compliance Schedules), the following recordkeeping requirements shall apply.

(1) The owner or operator of a gasoline tank-truck subject to this regulation shall maintain records of all certification testing and repairs. The records must be maintained for at least two years after the date the testing or repair was completed.

(2) The record of each certification test required by paragraph (1) of this section shall, as a minimum, contain:

(A) company name;

(B) date and location of the test;

(C) name and title of person conducting the test;

(D) tank identification number;

(E) initial test pressure and the time of the reading;

(F) final test pressure and the time of the reading;

(G) initial test vacuum and the time of the reading; and

(H) final test vacuum and the time of the reading.

(3) Copies of all records required by this section shall be made available for review upon request by personnel of the Texas Air Control Board, United States Environmental Protection Agency, or local air pollution control agency.

**§115.239. Counties and Compliance Schedules.** All affected persons in Dallas, El Paso, Harris, and Tarrant Counties shall be in compliance with this undesignated head, concerning control of volatile organic compound leaks from gasoline tank-trucks in accordance with all compliance schedules which have expired prior to the adopted effective date of this section, in accordance with §115.930 of this title (relating to Compliance Dates).

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

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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

## Control of Reid Vapor Pressure of Gasoline

### • 31 TAC §§115.242-115.243, 115.245-115.247, 115.249

The Texas Air Control Board (TACB) proposes new §§115.242-115.243, 115.245-115.247, and 115.249, concerning control of Reid vapor pressure of gasoline. This new undesignated head will be included in a proposed new Subchapter C, concerning volatile organic compound marketing operations. These controls are being proposed in order to satisfy a commitment included in the post-82 State Implementation Plan (SIP) revisions for ozone in Dallas and Tarrant Counties.

The proposed new §115.242, concerning control requirements, specifies the affected equipment and procedural requirements for reducing the Reid vapor pressure (RVP) of gasoline on a seasonal basis. The proposed new §115.243, concerning alternate control requirements, provides for executive director approval for the use of alternate technology which will result in equivalent volatile organic compound (VOC) emission reductions. The proposed new §115.245, concerning testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable controls or exemptions. The proposed new §115.246, concerning recordkeeping requirements, specifies the type of records to be kept to document satisfaction of RVP limits on gasoline. The proposed new §115.247, concerning exemptions, specifies the types of facilities and equipment which are exempted from the requirements of these sections. The proposed new §115.249, concerning counties and compliance schedules, requires all affected facilities to be in compliance in accordance with specified annual schedules beginning May 1, 1990.

The demonstration of attainment included in the Post-82 SIP revisions were based partially on the emission reductions expected to result from the proposed federal program to lower RVP to at least 9.0 psia. However, the program finally adopted by the Environmental Protection Agency (EPA) required lowering RVP to only 9.5 psia, significantly limiting the emission reductions obtained from the program. The proposed state action to further reduce RVP to 9.0 psia in the Dallas/Fort Worth area would preempt the federal requirements and ensure full implementation of the control strategies included in the SIP. However, the TACB has agreed to continue to study the feasibility of alternative controls that might also be implemented to offset the shortfall in emission reductions resulting from

the failure of EPA to adopt adequate RVP controls. These alternative measures include, but are not limited to, lowering of exemption levels for certain source categories, identifying and implementing reasonably available control technology for major VOC sources not covered under EPA control technique guidelines, and other VOC controls affecting smaller sources and individual consumers.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state and local governments. Economic costs to individuals and businesses to drop the RVP of gasoline from 9.5 to 9.0 in the Dallas/Fort Worth consolidated metropolitan statistical area (CMSA) are estimated at \$11.6 million per year. This cost is based on the 1990 estimated population of the CMSA with a per capita consumption of 472 gallons of gasoline per year. A price differential between gasoline and butane of 39.61 cents per gallon and a 1.06% decrease in the amount of butane added to gasoline are also assumed. An additional 6.0% of the total cost to blend 9.0 RVP gasoline has been included to accommodate any transportation and marketing expense.

Les Montgomery, director of technical support and regulation development program, has determined that for each of the first five years the sections as proposed are in effect the public benefit anticipated as a result of implementing the sections will be the reduction in VOC emissions from motor vehicles and gasoline marketing operations. In addition, these measures are necessary to satisfy a commitment made in the Post-82 SIP revisions.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections are available at the central office of the TACB, 6330 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 hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 26, 1989, at the TACB central office will be included in the hearing record.

The new sections 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.

**§115.242. Control Requirements.** For the counties referenced in §115.249 of this title (relating to Counties and Compliance Schedules), the following control requirements shall apply.

(1) No person shall place, store, or hold in any stationary tank, reservoir, or other container any gasoline with a Reid vapor pressure equal to or greater than 9.0 psia (62.0 kPa) which may ultimately be used in a motor vehicle.

(2) No person shall transfer or allow the transfer of gasoline with a Reid vapor pressure equal to or greater than 9.0 psia (62.0 kPa) to or from any storage vessel, or tank-truck tank at any gasoline terminal, bulk plant, or motor vehicle fuel dispensing facility.

(3) All adjustments in the operation of affected facilities and all transfers or alterations of noncompliant gasoline must be completed as necessary to conform with the provisions of this section during the following periods of each calendar year:

(A) for motor vehicle fuel dispensing facilities from June 1-September 16 of each year; and

(B) for all other affected facilities from May 1-September 16 of each year.

**§115.243. Alternate Control Requirements.** For all affected persons in the counties referenced in §115.249 of this title (relating to Counties and Compliance Schedules), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

**§115.245. Testing Requirements.** For the counties referenced in §115.249 of this title (relating to Counties and Compliance Schedules), the following testing requirements shall apply:

(1) ASTM Test Method D323-82 for the measurement of Reid vapor pressure; or

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

**§115.246. Recordkeeping Requirements.** For the counties referenced in §115.249 of this title (relating to Counties and Compliance Schedules), the owner or operator of any gasoline storage vessel, gasoline terminal, or gasoline bulk plant affected by the provisions of §115.242 of this title (relating to Control Requirements) shall maintain records of the Reid vapor pressure of all gasoline stored or transferred during the compliance period. All records shall be maintained for two years and be made available for review by the Texas Air Control Board, the United States Environ-