

One commenter, Texas Mid-Continent Oil and Gas Association, recommended allowing an exemption from slotted gauge poles on floating roof storage tanks. TACB rules previously included an exemption for slotted sampling and gauge poles. However, EPA recently determined that such an exemption was inconsistent with federal requirements and directed the TACB to delete it for all counties included in the SIP.

Two commenters, the Sierra Club and one individual, opposed certain exemptions included in these sections. Exemptions for VOC storage facilities were established based on federal guidelines or at a minimum level of significance determined by the TACB staff and coordinated with the EPA. While controls for smaller sources may be considered in future planning, changes to these exemptions are beyond the scope of this rulemaking.

The new sections are adopted under the Texas Clean Air Act (TCAA), §362.017, which provides the TACB with the authority to make rules consistent with the policy and purposes of the TCAA.

§115.115. Testing Requirements. For the counties referenced in §115.119(a) of this title (relating to Counties and Compliance Schedules), compliance with §115.112(a) of this title (concerning 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 rates, 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 22 (40 Code of Federal Regulations 60, Appendix A) for visual determination of fugitive emissions from material sources and smoke emissions from flares;

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

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

(6) test method described in 40 Code of Federal Regulations 60.13(a)(ii) for measurement of storage tank seal gap;

(7) determination of true vapor pressure using American Society for Testing and Materials Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with the API Publication 2517, Third Edition, 1989; or

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

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.

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Vent Gas Control

• 31 TAC §§115.121-115.123, 115.125-115.127, 115.129

The Texas Air Control Board (TACB) adopts new §§115.121-115.123, 115.125-115.127, and 115.129. Sections 115.123, 115.125, and 115.129 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3640). Sections 115.121, 115.122, 115.126, and 115.127 are adopted without changes and will not be republished.

The new §115.121, concerning emission specifications, establishes the maximum level of acceptable emissions from specified sources. The new §115.122, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.123, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.125, concerning testing requirements, identifies the test methods which must be used to determine compliance and enables the TACB executive director to approve minor modifications to the methods. The new §115.126, concerning recordkeeping requirements, describes the information which must be maintained by affected facilities in order to ensure continuous compliance and improve the effectiveness of enforcement. The new §115.127, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.129, concerning counties and compliance schedules, establishes the final compliance dates for applicable controls in specified counties. These sections are part of a series of additions to Chapter 115 proposed primarily to satisfy United States Environmental Protection Agency (EPA) requirements for Phase I of the Post-1987 State Implementation Plan (SIP) revisions for ozone. The TACB also has adopted a comprehensive restructuring of Chapter 115 to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years.

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. Eleven commenters opposed the proposal, while no one testified in support.

Three commenters, the City of Dallas, the City of Fort Worth (Fort Worth), and Rohm and Haas Texas Incorporated (Rohm & Haas); recommended simplifying the rule, while one additional commenter, Ethyl Corporation (Ethyl), indicated that the proposed revision changed the intent and broadened the scope of impact of the existing regulation.

In developing these revisions, the staff adopted existing language whenever possible, making changes only when necessary to conform to the revised organizational format. Except for the administrative provisions necessary to satisfy EPA requirements, no new control measures were added or expanded. The commenters provided no specific suggestions regarding improvements.

One commenter, EPA, suggested that all provisions of this rule should apply to all volatile organic compounds (VOC). During the initial planning effort for certain rural nonattainment counties, fewer emission reductions were required to demonstrate attainment than in the major urban areas which have undergone subsequent plan development. Therefore, not all VOCs were originally required to be controlled by the vent gas rule. Significant additional reductions may be possible in these rural areas by expanding the controls to include all VOC's, and will be evaluated during future rulemaking for all nonattainment counties.

Two commenters, Dow Chemical Company and Ethyl, opposed the control limits of 20 parts per million or 98% destruction efficiency for air oxidation synthetic organic chemical processes, while one individual recommended that the more stringent of the two limitations should be required in specific circumstances. The control measures which address air oxidation processes at synthetic organic chemical manufacturing facilities were established based on a control techniques guideline (CTG) published by EPA for that industry and adopted by the TACB as SIP revisions. Federal SIP criteria require the states to adopt rules based on each CTG published by EPA. The CTG provided sources the choice of the two emission limits because 98% destruction of a very dilute vent-gas stream is economically unreasonable and achieves insignificant air quality benefits below 20 ppm.

Two commenters, Occidental Chemical Corporation (Occidental) and Rohm & Haas, indicated that recordkeeping requirements are too broad and ambiguous and recommended that the regulation include less specific or only clearly defined monitoring parameters. The recordkeeping requirements for vent gas controls are required to be "sufficient to demonstrate the proper functioning of applicable control equipment to design specifications." While the criteria specifically identified in the regulation may satisfy this requirement, additional or different information may also be necessary for other types of control devices not specifically anticipated by the regulation. Other information may be considered or required by the TACB staff if it is necessary to provide at least a daily indicator of continuous compliance.

One commenter, EPA, suggested that the proper functioning of control equipment be based on compliance tests, as well as design specifications. Compliance tests will be conducted to ensure that design specifications satisfying control requirements have been achieved. Operational parameters indicative of the proper functioning of the equipment may also be established during the testing. However, it is unreasonable to require a source to comply with emission rates achieved during the testing of new equipment which may exceed the control limits in the rule.

Six commenters Occidental, Rohm & Haas, Fort Worth, Chevron Chemical Company, Mobil Chemical Company, and Quantum Chemical Company, objected to the daily recordkeeping requirements for exempted sources in order to document continuous satisfaction of exemption criteria. Several of these commenters recommended that revised emission information be provided to TACB staff only following a process change or that alternate methods of calculating applicable emission characteristics be allowed. One commenter suggested that an average daily emission rate be calculated from the annual emission rate. Exemption criteria are based on daily emissions rates and concentrations from each vent gas stream. Therefore, these criteria must be documented on a daily basis in order to effectively assess compliance. Provisions have been developed to alleviate the burden of this recordkeeping for sources with emissions of less than 50% of the exemption criteria. However, records are necessary for exempted sources above this level to ensure that emissions do not periodically fluctuate above exemption limits. Continuous emissions monitoring is not required. However, sources must be able to adequately demonstrate appropriate calculations to the satisfaction of the TACB staff. Averaging of annual emissions may allow fluctuations above the daily exemption limit.

One commenter, Occidental, recommended including a provision for a minimum emission limit of 100 pounds per 24 hours to define "major upset" which would exempt sources from reporting associated resulting emissions. The vent gas rule addresses only normal process emissions. Upset or maintenance emissions should be reported under the general rules, §101.6 and §101.7.

One individual objected to the 100 pound per 24-hour and the 0.44 pounds per square inch actual (psia) true partial pressure exemption for vent gas streams in some nonattainment areas and recommended an alternate concentration limit of 0.15 psia (10,000 ppm). Exemption limits for nonattainment areas have been established based on the emission reduction requirements in the SIP. While in the major urban nonattainment areas lower exemption levels for vent gas streams have been adopted to achieve needed emission reduction credits, no additional reduction requirements have yet been identified for other areas. More stringent controls will be considered in future rulemaking.

The new sections are adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to make rules consistent with the policy and purposes of the TCAA.

§115.123. Alternate Control Requirements.

(a) For all persons in the counties referenced in §115.129(a) 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. Direct-flame incineration specified for vent gas control in this undesignated head (concerning vent gas control) is not intended as an exclusive emission control method for volatile organic compounds (VOC). In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122 of this title (relating to Control Requirements), do not require executive director approval.

(b) For all persons in the counties referenced in §115.129(b) 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. Direct-flame incineration specified for vent gas control in this undesignated head (concerning vent gas control) is not intended as an exclusive emission control method for VOC. In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122 of this title (relating to Control Requirements), do not require executive director approval.

§115.125. Testing Requirements. For the counties referenced in §115.129(a) of this title (relating to Counties and Compliance Schedules), compliance with §115.121(a) of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(1) Test Method 22 (40 Code of Federal Regulations 60, Appendix A) for visual determination of fugitive emissions

from material sources and smoke emissions from flares;

(2) additional test method requirements for flares described in 40 Code of Federal Regulations 60.18(F);

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

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

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

(6) 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; or

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

§115.129. Counties and Compliance Schedules.

(a) All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (concerning vent gas control) in accordance with the following schedules:

(1) all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates); and

(2) the following additional compliance schedules.

(A) All persons in Harris County affected by the provisions of §115.121(a)(3) of this title (relating to Emission Specifications) shall be in compliance with this section as soon as practicable but no later than January 27, 1990.

(B) All persons affected by the provisions of §115.126(a) of this title (relating to Recordkeeping) shall be in compliance:

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

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

(b) All affected persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis

Counties shall be in compliance with this undesignated head (concerning vent gas control) in accordance with all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates).

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.

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Water Separation

• 31 TAC §§115.131-115.133, 115.135-115.137, 115.139

The Texas Air Control Board (TACB) adopts new §§115.131-115.133, 115.135-115.137, and 115.139. Sections 115.131, 115.135, and 115.139 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3643). Sections 115.132-115.133 and 115.136-115.137 are adopted without changes and will not be republished.

The new §115.131, concerning emission specifications, establishes the maximum level of acceptable emissions from specified sources. The new §115.132, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.133, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.135, concerning testing requirements, identifies the test methods which must be used to determine compliance and enables the TACB executive director to approve minor modifications to the methods. The new §115.136, concerning recordkeeping requirements, describes the information which must be maintained by affected facilities in order to ensure continuous compliance and improve the effectiveness of enforcement. The new §115.137, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.139, concerning counties and compliance schedules, establishes the final compliance dates for applicable controls in specified counties. These sections are part of a series of additions to Chapter 115 proposed primarily to satisfy United States Environmental Protection Agency (EPA) requirements for Phase I of the Post-1987 State Implementation Plan (SIP) revisions for ozone. The TACB also has adopted a comprehensive restructuring of Chapter 115 to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years.

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. Five commenters opposed the proposal, while no one testified in support.

Three commenters, Texas Chemical Council, Rohm and Haas Texas Incorporated, and Texas Mid-Continent Oil and Gas Association, objected to the proposed vapor pressure exemption and the associated requirement to maintain records on the names and vapor pressures of all materials which may enter an exempted volatile organic compound (VOC)/water separator. Alternative suggestions included the determination of the aggregate vapor pressure of all materials processed by the separator or the annual testing or calculation of the vapor pressure of materials "typically" processed. An exemption is provided for VOC/water separators which separate "materials having a true vapor pressure of VOC less than 1.5 pounds per square inch absolute (psia)...." This limit applies to any material which enters the separator, not the aggregate or annual average vapor pressure for those materials. This requirement is necessary to prevent any large fluctuations in the type of materials being processed by an exempt separator throughout the year. Appropriate records of all materials at the facility should be readily available and should not pose a significant burden for affected industries.

One individual suggested that non-exempted facilities should also be required to maintain records but did not specify the types of records which should be maintained. The control requirements for VOC/water separators merely specify that affected separators must be covered or otherwise controlled to reduce evaporative losses. No quantifiable emission limits are included, therefore, no records appear appropriate.

One individual recommended that the exemption level of 1.5 psia vapor pressure for facilities other than petroleum refineries be reduced to establish all exemption and control limits in the rule at 0.5 psia vapor pressure. This commenter also suggested removing the 200 gallon per day throughput exemption. An additional commenter, EPA, indicated that clarification is needed to resolve an apparent conflict regarding the exemption level which applies in Dallas and Tarrant Counties. Exemption levels for various types of industrial sources are based on EPA guidelines to determine reasonably available control technology. The exemption levels for VOC/water separators have been lowered in Dallas and Tarrant Counties in recent SIP revisions. Similar reductions for other areas will be considered in future rulemaking.

One commenter, EPA, noted that the reference in §115.139(a)(2) incorrectly cited §115.131(a)(2) in the emission specifications, rather than §115.131(a)(3) which imposes additional controls on smaller sources in Dallas and Tarrant Counties after August 31, 1990. This correction is appropriate.

The new sections are adopted under the Texas Clean Air Act (TCAA), §392.017, which provides the TACB with the authority to make rules consistent with the policy and purposes of the TCAA.

§115.131. Emission Specifications.

(a) For all persons in the counties referenced in §115.139(a) of this title (relating to Counties and Compliance Schedules) any volatile organic compound (VOC) water separator equipped with a vapor recovery system in order to comply with §115.132(a) of this title (relating to Control Requirements) shall reduce emissions such that the VOC in vent gases to the atmosphere will not exceed:

(1) a true partial pressure of 0.5 psia (3.4 kPa) at petroleum refineries;

(2) a true partial pressure of 1.5 psia (10.3 kPa) at facilities other than petroleum refineries, except as required by paragraph (3) of this subsection; or

(3) for the counties referenced in §115.139(a)(2) of this title (relating to Counties and Compliance Schedules), a true partial pressure of 0.5 psia (3.4 kPa) at facilities other than petroleum refineries.

(b) For all persons in the counties referenced in §115.139(b) of this title (relating to Counties and Compliance Schedules), any VOC water separator equipped with a vapor recovery system in order to comply with §115.132(b) of this title (relating to Control Requirements) shall reduce emissions such that the true partial pressure of the VOC in vent gases to the atmosphere will not exceed a level of 1.5 psia (10.3 kPa).

§115.135. Testing Requirements. For the counties referenced in 115.139(a) of this title (relating to Counties and Compliance Schedules), compliance with §115.132(a) 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) determination of true vapor pressure using the American Society of Testing and Materials Test Method D323-