

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.

Issued in Austin, Texas, on January 26, 1990.

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Allen Eli Bell
Executive Director
Texas Air Control Board

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

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-

82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

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

§115.139. Counties and Compliance Schedules.

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

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All persons in Dallas and Tarrant Counties affected by the provisions of §15.131(a)(3) of this title (relating to Emission Specifications) shall be in compliance with this section as soon as practicable but no later than August 31, 1990.

(3) All persons in Dallas and Tarrant Counties required to implement controls as a result of the removal of the exemptions specified in §115.137(a) (3) of this title (relating to Exemptions) shall be in compliance as soon as practicable but no later than August 31, 1990.

(4) All persons affected by the provisions of §115.136 of this title (relating to Recordkeeping) shall be in compliance:

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

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

Subchapter C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

* 31 TAC §§115.211-115.217, 115.219

The Texas Air Control Board (TACB) adopts new §§115.211-115.217 and §115.219. Sections 115.212, 115.214, 115.215, and 115.219 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3646). Sections 115.211, 115.213, 115.216, and 115.217 are adopted without changes and will not be republished.

The new §115.211, concerning emission specifications, establishes the maximum level of acceptable emissions from specified sources. The new §115.212, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.213, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.214, concerning inspection requirements, identifies the components needing inspection and the frequency they are to be inspected. The new §115.215, 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 §115.216, 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 §115.217, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.219, 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. Twelve commenters opposed the proposal, while no one testified in support.

Six commenters; Galveston-Houston Association for Smog Prevention and five individuals; recommended control of volatile organic compound (VOC) emissions from ship and barge loading and unloading operations. The TACB staff recognizes that the loading and unloading of ships and barges represents a significant source of uncontrolled VOC emissions. In addition, the staff recently participated in a national committee which examined cost-effectiveness and safety issues related to such controls and determined that ship and barge emission controls could be reasonable and cost-effective in certain situations. While potential controls on these operations will certainly be considered in the development of Post-1987 SIP strategies, certain technical and legal issues must first be resolved. These include: determining situations in which it is technically and economically reasonable to retrofit existing ships and barges with necessary equipment; the potential for imposing unacceptable restrictions on interstate and international trade; and coordinating the limits of jurisdiction which the coast guard currently exercises in all ship and barge activities. Also, there are indications that EPA may elect to preempt states, authority to enact potentially dissimilar programs in different areas of the country.

One individual suggested that the exemption for "gauging" not allow operators to open the hatches of tank-trucks which have dropped a full load. Since these trucks may be assumed to be empty, there is no apparent need for any measurement. While the gauging of empty tank-trucks does appear to be unnecessary in most cases, visual verification of the delivery may sometimes be required. Emissions from the hatch of a tank-truck during gauging are relatively small as long as the actual transfer of product has been discontinued.

One individual recommended that provisions which prohibit leaks during VOC transfer operations should include both liquid and gaseous leaks and that no allowance for avoidable leaks should be provided. The rule, as proposed, already prohibits any gaseous or liquid leaks or leaks from all liquid or vapor lines. No additional clarification appears warranted. While the avoidability of leaks will be critically considered in any enforcement action associated with this rule, it is unreasonable not to recognize the potential for truly unavoidable circumstances.

One individual suggested that storage tank pressure relief valves be vented to a control device and that the pressure settings for all such valves should be specified in the rule. The potential emission reductions from the control of pressure relief valves on storage tanks at loading operations have not been estimated. This recommendation, as well as other potential controls on vents at VOC loading facilities, may be considered in subsequent rulemaking. However, establishing appropriate settings for pressure relief valves may be a reasonable means of minimizing emissions from these devices at this time.