

# Texas Register

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EPA commented that the program for inspecting and certifying gasoline tank trucks covered in §115.224(2) should be expanded to Brazoria and Galveston Counties. Changes in this area are not within the scope of this set of proposed revisions since there are no substantive changes to this subparagraph. However, these comments will be considered in future rulemaking.

The Coalition Advocating A Safe Environment (CASE) commented that Jefferson and Orange Counties should be added to §115.229 making affected facilities in these counties use Stage I controls. As indicated by the preamble to the Stage I rules, the addition of Jefferson and Orange Counties to these requirements was intended. However, reference to the two counties was inadvertently omitted in the rules. The staff is now of the opinion that Jefferson and Orange Counties cannot be added without conducting further hearings on the matter. EPA has agreed that this issue can be addressed in future rulemaking.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

**§115.222. Control Requirements.** For all affected persons in the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), a vapor balance system will be assumed to comply with the specified emission limitation of §115.221 of this title (relating to Emission Specifications) if the following conditions are met:

(1)-(6) (No change.)

(7) the 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);

(8) no leak, as defined in §115.010 of this title (relating to Definitions), exists from potential leak sources when measured with a combustible gas detector; and

(9) any motor vehicle fuel dispensing facility that becomes subject to the provisions of paragraphs (1)-(8) of this subsection by exceeding provisions of §115.227 of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits.

**§115.229. Counties and Compliance Schedule.** All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, and Tarrant Counties shall be in compliance with this undesignated head (relating to Filling of Gasoline Storage Vessels (Stage I) For Motor Vehicle Fuel Dispensing Facilities) in accordance with the following schedules.

(1) all affected persons shall be in compliance with all compliance schedules which have expired prior to January 1,

1991, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All persons in Brazoria and Galveston Counties affected by the provisions of §115.222(7) and (8) of this title (relating to Control Requirements) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

This agency hereby certifies that the rules adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 25, 1991.

TRD-9107566 Lane Hartsock  
Director, Planning and  
Development Program  
Texas Air Control Board

Effective date: July 17, 1991

Proposal publication date: February 12, 1991

For further information, please call: (512) 908-1770

### Control of Volatile Organic Compound Leaks From Gasoline Tank-Trucks

#### • 31 TAC §115.239

The Texas Air Control Board (TACB) adopts an amendment to §115.239, (without changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830).

The amendment to §115.239 updates the expired compliance date and adds a new compliance date for the additional counties of Brazoria, Galveston, Jefferson, and Orange now affected by the requirement.

Public hearings were held on March 4, 1991 in Beaumont and El Paso and on March 5, 1991 in Houston and Arlington. Testimony was not received from any commenters during the comment period.

The amendment is adopted under Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rules adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9107567 Lane Hartsock  
Director, Planning and  
Development Program  
Texas Air Control Board

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For further information, please call: (512) 908-1770

### Subchapter D. Petroleum Refining and Petrochemical Processes

#### Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries

#### • 31 TAC §§115.315, 115.316, 115.319

The Texas Air Control Board (TACB) adopts amendments to §§115.315, 115.316, and 115.319, and the repeal of §115.317. Section 115.319 is adopted with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830). Sections 115.315, 115.316, and 115.317 are adopted without changes and will not be republished.

The amendment to §115.315 corrects a reference to a federal test method. The amendment to §115.316 adds requirements to monitor temperatures at catalytic incinerators or chillers and carbon adsorption systems for breakthrough. The amendment to §115.319 updates the expired compliance date and add a new compliance date for new requirements. The repeal of §115.317 involves removal of the 100-pound per day exemption from emissions specification requirements.

Public hearings were held on March 4, 1991, in Beaumont and El Paso and on March 5, 1991, in Houston and Arlington. Testimony was received from two commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. The Texas Chemical Council (TCC) opposed the proposed amendments.

TCC objected to eliminating the exemption for vacuum-producing systems emitting less than or equal to 100 pounds of VOC in any consecutive 24-hour period, stating that controlling these sources are not cost-effective and it would be difficult to meet the compliance deadline in §115.319(2). Since the exemption is being repealed per EPA's requirement, and the compliance time-line is also established by EPA, the revisions will be left as proposed.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

**§115.319. Counties and Compliance Schedules.** 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 (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) in accordance with the following schedules:

(1) all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates); and

(2) all persons in Brazoria, El Paso, Galveston, or Harris Counties affected by the provisions of §115.316(1)(B)

and (C) of this title (relating to Recordkeeping Requirements) or the repeal of §115.317 of this title (relating to Exemptions) shall be in compliance with these sections as soon as practicable, but no later than July 31, 1992.

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 June 25, 1991.

TRD-9107568

Lane Hartssock  
Director, Planning and  
Development Program  
Texas Air Control Board

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For further information, please call: (512) 908-1770

## Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries

### • 31 TAC §115.317

The repeal is adopted under Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

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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Lane Hartssock  
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For further information, please call: (512) 908-1770

## Fugitive Emission Control in Petroleum Refineries

### • 31 TAC §§115.322, 115.324, 115.325, 115.327, 115.329

The Texas Air Control Board (TACB) adopts amendments to §§115.322, 115.324, 115.325, 115.327, and 115.329. Sections 115.327 and 115.329 are adopted with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830). Sections 115.322, 115.324, and 115.325 are adopted without changes and will not be republished.

The amendment to §115.322 adds a clarification for valve closing during maintenance operations. The amendment to §115.324 increases the frequency of pump seal and liquid service pipeline valves from annual to quarterly. The amendments to §115.325 replaces the reference to "actual operating temperature" with a specific temperature. The

amendment to §115.327 eliminates the exemption for two-inch valves and lowers the exemption level on liquid vapor pressure. The amendment to §115.329 updates the expired compliance date and adds a new compliance date for new requirements.

Public hearings were held on March 4, 1991, in Beaumont and El Paso and on March 5, 1991, in Houston and Arlington. Testimony was received from six commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. Five commenters opposed the proposed amendments. They were the Texas Chemical Council (TCC), Mobil Oil Corporation (Mobil), Chevron U.S.A., Inc. (Chevron), El Paso Refinery, L.P., and one individual.

Both TCC and Mobil supported the additional requirement of §115.322(4) to close the upstream valve prior to closing the line in order to remove the sealing device from a line. Chevron, however, felt this requirement was not enforceable since it was difficult to demonstrate compliance. The staff included this procedure because it clarifies the purpose of installing sealing devices to avoid any preventable emissions during sampling or maintenance.

An individual commented that rupture disks should be placed downstream of pressure relief valves. While this proposal cannot be incorporated at this time, this suggestion will be taken into consideration for future revisions to the rule.

Comments were received from El Paso Refinery, L.P.; TCC; and Mobil on the proposed changes to §115.324 regarding inspection requirements in petroleum refineries. Both TCC and Mobil recommended that quarterly measurements should be performed only on pump seals and pipeline valves in light liquid service, and that all other service be monitored only on an annual basis. El Paso Refinery, L.P. proposed that pumps with dual mechanical seals, pumps with a closed vent being sent to a control device, and pumps with no detectable emissions be exempt from the requirements of §115.324. Since EPA requires that all pump seals and pipeline valves be monitored on a quarterly basis, the amendments will remain as proposed. Mobil and TCC also proposed changes to §115.324(8) that would authorize refinery units with two years of annual data showing a 2.0% or less leak rate to immediately be able to apply for an annual valve monitoring schedule. El Paso Refinery, L.P. also commented on §115.324(8), recommending that a facility should qualify for an annual monitoring schedule after only two quarters of monitoring which show no leaks. Since §115.324(8) is not currently proposed for revision, it cannot be changed at this time. However, the staff will take the suggestions into consideration for future rulemaking.

Overall, the commenters supported the change in §115.325(2), requiring that determination of true vapor pressure be based on 68 Degrees Fahrenheit instead of actual operating temperature. However, Chevron recommended that the test method be updated from ASTM Method D323-82 to ASTM Method D323-89 and stated that neither test method was appropriate to test for the new exemption level of 0.044 psia. The staff will evaluate the appropriateness of changing test methods for future rulemaking.

Comments of a similar nature were received from Mobil and TCC regarding §115.327, §115.337, and §115.347 which deal with exemptions from fugitive emissions controls. In all three rules, the commenters wanted the proposed paragraph (2), regarding exemptions from monitoring requirements, to affect process liquids with a true vapor pressure equal to or less than 0.147 psia rather than those with a true vapor pressure equal to or less than 0.044 psia. Additionally, both commenters wanted TACB to add exemptions from the monitoring requirements for valves in instrument systems and valves that are unsafe to monitor. Because EPA has required that, for RACT purposes, light liquids be defined as those with true vapor pressures equal to or less than 0.044 psia, §115.327(2), §115.337(2), and §115.347(2) shall remain as written with the exception of the correction of typo-graphical changes. The proposed exemptions for instrument system valves and valves considered unsafe to monitor will be taken into consideration for future rulemaking.

EPA also noted the process liquid spot pressure cutoff point listed for the exemption in §115.347(2) was incorrectly listed as 0.03 kPa, rather than 0.3 kPa. The staff made the same correction to §115.327(2) and §115.337(2).

An individual commented that the units exempted from monitoring by §115.327(4) should be under an inspection schedule. Comments on this rule are not within the scope of the proposed revisions since there are no substantive changes to this paragraph; the paragraph number is simply being changed. However, these comments will be considered in future rulemaking.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

**§115.327. Exemptions.** For all affected persons in the counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Components which contact a process fluid that contains less than 10% Volatile Organic Compound (VOC) by weight are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries).

(2) Components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68 Degrees Fahrenheit (20 Degrees Celsius) are exempt from the requirements of §115.324 of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(3) Petroleum refineries or individual process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head (relating to Fugitive