

Texas Register

Volume 16, Number 50, July 2, 1991

Pages 3646-3745

In This Issue...

Emergency Sections

Center for Rural Health Initiatives

3659-Executive Committee for the Center for Rural Health Initiatives

Proposed Sections

State Purchasing and General Services Commission

3665-Central Purchasing Division

Texas Incentive and Productivity Commission

3665-Productivity Bonus Program

Railroad Commission of Texas

3667-Transportation Division

3668-Gas Utilities Division

3675-Surface Mining and Reclamation Division

Center for Rural Health Initiatives

3675-Executive Committee for the Center for Rural Health Initiatives

Texas Air Control Board

3676-Control of Air Pollution From Volatile Organic Compounds

3680-Permits

Comptroller of Public Accounts

3681-Tax Administration

Withdrawn Sections

Texas Water Commission

3689-Underground and Aboveground Storage Tanks

Adopted Sections

State Purchasing and General Services Commission

3691-Central Purchasing Division

3692-Travel and Transportation Division

Texas Department of Mental Health and Mental Retardation

3697-Client (Patient) Care

3704-Volunteer Services and Public Information

Texas Workers' Compensation Commission

3708-Medical Benefits-General Medical Provisions

Texas Air Control Board

3708-Control of Air Pollution from Volatile Organic Compounds

Texas Water Commission

3730-Industrial Solid Waste and Municipal Hazardous Waste

Texas Department of Human Services

3731-Income Assistance Services

3731-Community Care for Aged and Disabled

Open Meetings

3733-Texas Department of Aviation

3733-Texas Education Agency

3734-Texas Council on Vocational Education

3734-Health and Human Services

CONTENTS CONTINUED INSIDE

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

Effective date: July 17, 1991

Proposal publication date: February 12, 1991

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.

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

TRD-9107569

Lane Hartssock
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

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

Emission Control in Petroleum Refineries), as soon as practicable, but no later than one month before the process unit is scheduled for start-up and be in compliance as soon as practicable, but no later than three months after start-up. All petroleum refineries affected by this paragraph shall notify the Texas Air Control Board of any nonoperating refineries or individual process units when they are shut down and dates of any start-ups as they occur.

(4) Pressure relief devices connected to an operating flare header, components in continuous vacuum service, storage tank valves, and valves that are not externally regulated (such as in-line check valves) are exempt from the monitoring requirement of §115.324 of this title (relating to Inspection Requirements).

(5) Compressors in hydrogen service are exempt from the requirements of §115.324 of this title (relating to Inspection Requirements) if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50.0% by volume.

§115.329. 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 Fugitive Emission Control in Petroleum Refineries) 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, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.324(2)(B)-(C) of this title (relating to Inspection Requirements) and §115.327(2) 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-9107570

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



Fugitive Emission Control in Synthetic Organic Chemical Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Process

• 31 TAC §§115.332, 115.334, 115.335, 115.337, and 115.339

The Texas Air Control Board (TACB) adopts amendments to §§115.332, 115.334, 115.335, 115.337 and 115.339, with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830-855).

The amendment to §115.332 adds methyl tert-butyl ether to applicability under the regulation and clarifies the valve closing sequence during maintenance operations. The amendment to §115.334 clarifies and consolidates how a leaking component is to be detected. The amendment to §115.335 replaces actual operating temperature with a specific temperature. The amendment to §115.337 eliminates the exemption for two-inch valves and lower the exemption level on liquid vapor pressure. The amendment to §115.339 updates the expired compliance date and add 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 three commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. Mobil Oil Corporation (Mobil) and the Texas Chemical Council (TCC) opposed the proposed amendments.

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 subparagraph (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 system sand valves that are unsafe to monitor. Because EPA has required that, for RACT purposes, light liquids be defined as those with true vapor pressure 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 typographical changes. The proposed exemptions for instrument system valves and valves considered unsafe to monitor will be taken into consideration for future rulemaking.

EPA noted that references to methyl tert-butyl ether (MTBE) manufacturing processes were not included in §115.337. Since references to MTBE were inadvertently left out of several rules, corrections are made in all cases.

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).

Mobil and TCC commented that §115.334 and §115.344 should continue to treat leaks identified by sound or smell as potential leaks only and that testing should be performed to verify leaks before tagging and scheduling for repair. The staff does not support these arguments because hydrocarbon analyzers often are not effective in detecting leaks of heavier process fluids due to low vapor pressures. Therefore, the amendment shall remain as proposed.

TCC and Mobil argued that §115.335 should be revised to allow use of calculations to determine the Reid vapor pressure of individual chemical compounds. Due to the variety of ways that such a value may be calculated, the staff cannot support use of these methods as adequate support to show compliance.

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 rule consistent with the policy and purpose of the TCAA.

§115.332. Control Requirements. For the counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules), no person shall operate a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether (MTBE) manufacturing process, as defined in §115.10 of this title (relating to Definitions) without complying with the following requirements.

(1)-(3) (No change.)

(4) Except for safety pressure relief valves, no valves shall be installed or operated at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken or during maintenance operations, and when closing the line, the upstream valve shall be closed first.

(5) (No change.)

§115.334. Inspection Requirements. For all affected persons in the counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules), the following inspection requirements shall apply.

(1) The owner or operator of a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether (MTBE) manufacturing process shall conduct a monitoring program consistent with the following provisions:

(A)-(C) (No change.)

(D) measure (with a hydrocarbon gas analyzer) emissions from any relief valve which has vented to the atmosphere within 24 hours;

(E) measure (with a hydrocarbon gas analyzer) immediately after re-

pair the emissions from any component that was found leaking.

(2) The owner or operator of a synthetic organic chemical, polymer, resin, or MTBE manufacturing process upon the detection of a leaking component by use of an instrument, or by sight, sound, or smell shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired.

(3) (No change.)

§115.335. Testing Requirements. For the counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules), compliance with this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes) shall be determined by applying the following test methods, as appropriate:

(1) (No change.)

(2) 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 68 Degrees Fahrenheit (20 Degrees Celsius) in accordance with API Publication 2517, Third Edition, 1989; or

(3) (No change.)

§115.337. Exemptions. For the counties referenced in §115.339 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 Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes).

(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 §115.334 of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(3) Synthetic organic chemical, polymer, resins, and methyl tert-butyl ether (MTBE) manufacturing process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes) within one month prior to start-up and be in

compliance as soon as practicable, but no later than three months after start-up. All synthetic organic chemical, polymer, resin, and MTBE manufacturing processes affected by this subsection shall notify the Texas Air Control Board of any nonoperating process units when they are shut down and dates of any start-ups as they occur.

(4) Processes at the same location, but unrelated to the production of synthetic organic chemicals, polymers, resins, and MTBE are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes).

(5) The following items are exempt from the monitoring requirements of §115.334 of this title (relating to Inspection Requirements):

(A)-(D) (No change.)

§115.339. Counties and Compliance Schedules. All affected persons in Harris County shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes) in accordance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates), except that persons affected by the addition of methyl tert-butyl ether manufacturing processes to §115.332 of this title (relating to Control Requirements), §115.334(1) and (2) of this title (relating to Inspection Requirements), §115.335 of this title (relating to Testing Requirements), §115.336 of this title (relating to Recordkeeping Requirements), and §115.337 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-9107571

Lane Hartssock
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

◆ ◆ ◆

Fugitive Emission Control In Natural Gas/Gasoline Processing Operation

• 31 TAC §§115.342, 115.344, 115.345, 115.347, 115.349

The Texas Air Control Board (TACB) adopts amendments to §§115.342, 115.344, 115.345, 115.347 and 115.349. Sections 115.347 and 115.349 are adopted with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830). Sections 115.342, 115.344, and 115.345 are adopted without changes and will not be republished.

The amendment to §115.342 adds a procedural clarification for valve closings during maintenance operations. The amendment to §115.344 clarifies and consolidates how a leaking component is to be detected. The amendment to §115.345 replaces the reference to "actual operating temperature" with a specific temperature. The amendment to §115.347 eliminates the exemption for two-inch and smaller valve, lower the exemption level on liquid vapor pressure, and modify several citations. The amendment to §115.349 updates the expired compliance date and add 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 three commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. Mobil Oil Corporation (Mobil) and the Texas Chemical Council (TCC) opposed the proposed amendments.

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 typographical 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).

Mobil and TCC commented that §115.334 and §115.344 should continue to treat leaks identified by sound or smell as potential leaks only and that testing should be performed to verify leaks before tagging and scheduling for repair. The staff does not support these argu-

ments because hydrocarbon analyzers often are not effective in detecting leaks of heavier process fluids due to low vapor pressures. Therefore, the amendments should remain 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 TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

§115.347. Exemption. For the counties referenced in §115.349 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 1.0% volatile organic compound (VOC) by weight are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(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-Celsius) are exempt from the requirements of §115.344 of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(3) Natural gas/gasoline processing units in a temporary nonoperating status and which satisfy the conditions of paragraphs (1) and (2) of this section are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations). All natural gas/gasoline processing operations affected by this paragraph shall notify the Texas Air Control Board of any non-operating process units when they are shut down and dates of any start-ups as they occur.

(4) Processes at the same location but unrelated to the production of natural gas/gasoline processing are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(5) Natural gas/gasoline processing units where the total design throughput at a property is less than 10 million standard cubic feet of gas per day and there is no capability to fractionate the mixed natural gas liquids are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(6) The following items are exempt from the monitoring requirements of §115.344(1) of this title (relating to Inspection Requirements):

(A)-(D) (No change.)

§115.349. Counties and Compliance Schedules. All affected persons in Harris County shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) in accordance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons affected by §115.347(2) of this title (relating to Exemptions) and the deletion of exemptions for two-inch valves, 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-9107572

Lane Hartsack
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

Subchapter E. Solvent-Using Processes

Degreasing Processes

• 31 TAC §115.417, §115.419

The Texas Air Control Board (TACB) adopts amendments to §115.417 and §115.419, with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830).

The amendment to §115.417 deletes the three pounds per day exemption in Dallas, El Paso, Harris, and Tarrant Counties. The amendment to §115.419 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 three commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. General Dynamics Corporation (GD) and the City of Dallas opposed the proposed amendments.

Both GD and the City of Dallas opposed the repeal of the three pounds of VOC per day exemption for degreasing operations in Dallas, Tarrant, and Harris Counties. Elimination of this exemption is mandated by EPA despite resource difficulties expressed by the staff regarding enforcement. Inequities noted by GD regarding a 550-pound per day exemption for El Paso degreasing operations will be taken into consideration and are expected to be removed in future rulemaking associated with "leveling the playing field."

EPA noted that although a compliance schedule subsection §115.419(3) is proposed for deletion, it is referred to in §115.417(7), concerning exemptions, which was not proposed for repeal. EPA felt that §115.419(3) should therefore be retained. Due to the deletion of the three pounds per hour exemption in Dallas and Tarrant Counties, it is no longer necessary to retain §115.417(7). Staff deleted both §115.419(3) and §115.417(7).

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.

§115.417. Exemptions. For the counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1)-(2) (No change.)

(3) Degreasing operations located on any property in any affected counties except Dallas, El Paso, Harris, and Tarrant which can emit, when uncontrolled, a combined weight of volatile organic compounds (VOC) less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412 of this title (relating to Control Requirements).

(4) Any conveyORIZED degreaser with less than 20 ft² (2 m²) of air/vapor interface is exempt from the requirement of §115.412(3)(A) of this title (relating to Control Requirements).

(5) Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.412(2)(D)(ii) and (iv) of this title (relating to Control Requirements).

(6) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1 kPa) measured at 100 Degrees Fahrenheit (38 Degrees Celsius) and which has a drain area less than 16 in² (100cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(1) of this title (relating to Control Requirements).

§115.419. 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 Degreasing Processes) 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).