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ties and Compliance Schedules), no person shall use any single or multiple compartment volatile organic compound (VOC) water separator, except for facilities other than petroleum refineries in Gregg County, which separates materials containing VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC unless each compartment is controlled in one of the following ways:

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

(4) any water separator exempted under the provisions of §115.137(a) of this title (relating to Exemptions) shall be subject to the provisions of paragraphs (1), (2), or (3) of this subsection if the exemption limits are exceeded after May 31, 1991.

(b) (No change.)

§115.136. Recordkeeping Requirements. For the counties referenced in §115.139(a) of this title (relating to Counties and Compliance Schedules), any person who operates a single or multiple compartment volatile organic compound water separator without the controls specified in §115.132(a) of this title (relating to Control Requirements) shall maintain complete and up-to-date records sufficient to demonstrate continuous compliance with the applicable exemption criteria including, but not limited to, the names and true vapor pressures of all such materials stored, processed, or handled at the affected property, and any other necessary operational information. **Affected persons shall also continuously monitor temperatures upstream and downstream of a catalytic incinerator or chiller, and the exhaust gas concentration of any carbon adsorption system to determine breakthrough.**

§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 **January 1, 1991** [February 1, 1990], 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 §115.132(a)(4) of this title (relating to Control Requirements and §115.136 of this title (relating to Recordkeeping Requirements) shall be in compliance with these sections as soon as practicable but no later than July 31, 1992.

[(2) **All persons in Dallas and** Tarrant Counties affected by the provisions of §115.131(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) (No change.)

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 February 4, 1991.

TRD-9101426 Lane Hartsock
Director, Planning and Development Program
Texas Air Control Board

Proposed date of adoption: May 15, 1991

For further information, please call: (512) 451-5711, ext 433

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Subchapter C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

• 31 TAC §§115.212, 115.215, 115.216, 115.219

The Texas Air Control Board (TACB) proposes amendment to §§115.212, 115. 215, 115.216, and 115.219, concerning loading and unloading of volatile organic compounds (VOCs). The proposed changes have been developed in response to: a general requirement in the 1990 amendments to the Federal Clean Air Act (FCAA) for reasonably available control technology correction; and a specific requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies as part of a nationwide program termed "leveling the playing field."

The proposed changes to §115.212, concerning control requirements, involve a provision stating that if exemption limits are exceeded after May 31, 1991, requirements of this section become applicable, and add requirements for Dallas, El Paso, and Tarrant Counties. The proposed modification to §115.215, concerning testing requirements, corrects the reference to a federal test method. The proposed changes to §115.216, concerning recordkeeping requirements, add a requirement to monitor carbon adsorption systems for breakthrough. The proposed revisions to §115.219, concerning counties and compliance schedules, update expired compliance dates and add a new compliance date for new requirements.

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 implication for state or local government or for small businesses. The anticipated economic cost for persons and businesses that are required to comply with the sections as proposed is associated with the expanded abatement, monitoring, and recordkeeping requirements and is estimated as follows. The annual cost for 1991-1995: per facility transfer is -0- for 1991 and $35,000-$45,000 per year for 1992-1995; per VOC monitoring unit is -0- for 1991 and $15,000 per year for 1992-1995.

Any costs continuing beyond 1995 would be continuing operating, maintenance, and recordkeeping costs. All estimates are stated in 1991 dollars with no adjustment for inflation and assume continuing costs equal to those incurred during 1992-1995.

Les Montgomery, P.E., director of program development, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable nationwide and satisfaction of a requirement of the FCAA.

Public hearings on this proposal are scheduled for the following times and places: March 4, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; March 4, 1991, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; March 5, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; March 5, 1991, 2 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 March 6, 1991, at the TACB central office will be included in the hearing record.

The amendments are proposed under the Texas Clean Air Act (TCAA), the §382. 017, the 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.

§115.212. Control Requirements.

(a) For all persons in the counties referenced in §115.219(a) of this title (relating to Counties and Compliance Schedules), the following control requirements shall apply.

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

(4) No person in **Dallas El Paso,** Harris [County] **and Tarrant Counties** shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank unless the following requirements are met:

(A)-(E) (No change.)

(5) No person in **Dallas, El Paso,** Harris [County] **and Tarrant Counties** shall permit the transfer of gasoline from a gasoline bulk plant into a delivery tank-truck tank unless the following requirements are met:

(A)-(G) (No change.)

(6) Any gasoline terminal or bulk plant exempted under the provisions of §115.217(a) of this title (relating to Exemptions) shall be subject to the provisions of paragraphs (1), (2), (3), (4), or (5) of this subsection if the exemption limits are exceeded after May 31, 1991.

(b) (No change.)

§115.215. Testing Requirements. For the counties referenced in §115.219(a) of this title (relating to Counties and Compliance Schedules), compliance with §115.212(a) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1)-(4) (No change.)

(5) additional test procedures described in 40 Code of Federal Regulations 60.503 **b, c, and d**[, e, and f];

(6)-(8) (No change.)

§115.216. Recordkeeping Requirements. For the counties referenced in §115.219(a)(2)(A) of this title (relating to Counties and Compliance Schedules), affected by §115.211(a) of this title (relating to Emission Specifications), and §115.212(a) of this title (relating to Control Requirements), the owner or operator of any volatile organic compound (VOC) loading or unloading facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or local air pollution control agency having jurisdiction in the area.

(1) (No change.)

(2) for vapor recovery systems:

(A) (No change.)

(B) the inlet and outlet gas temperature of a chiller or catalytic incinerator; [and]

(C) the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough; and

(D)[(C)] the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3)-(4) (No change.)

§115.219. 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 loading and unloading of volatile organic compounds 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** [February 1, 1990], in accordance with §115. 930 of this title (relating to Compliance Dates).

(2) All persons in Dallas, El Paso, and Tarrant Counties affected by the provisions of §115. 212(a)(4) and (5) of this title (relating to Control Requirements) shall be in compliance as soon as practicable, but no later than July 31, 1992.

(3) All persons in Dallas and Tarrant Counties affected by the provisions of §115.212(a)(6) of this title (relating to Control Requirements) and §115.216(2)(C) of this title (relating to Recordkeeping Requirements) shall be in compliance with the sections as soon as practicable but no later than July 31 1992.

[(2) The following additional compliance schedules.

[(A) All persons affected by the provisions of §115.216(a)(1) and (3) of this title (relating to Recordkeeping Requirements) shall be in compliance with this section:

[(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 persons in Harris County affected by the provisions of §115.216(a)(1), (2), and (4) of this title (relating to Recordkeeping Requirements) shall be in compliance with this section no later than December 31, 1990.]

(b) (No change.)

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 February 4, 1991.

TRD-9101427 Lane Hartsock
Director, Planning and Development Program
Texas Air Control Board

Proposed date of adoption: May 15, 1991

For further information, please call: (512) 451-5711, ext 433

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Subchapter C. Volatile Organic Compound Marketing Operations

Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

• 31 TAC §115.222, §115.229

The Texas Air Control Board (TACB) proposes amendments to §115.222 and §115.229, concerning filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities. The proposed changes have been developed in response to: a general requirement in the 1990 amendments to the Federal Clean Air Act (FCAA) for reasonably available control technology correction; and a specific requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies as part of a nationwide program termed "leveling the playing field."

The proposed changes to §115.222, concerning control requirements, involve a provision stating that if exemption limits are exceeded after May 31, 1991, requirements of this section become applicable. The requirements are also being added to Brazoria, Galveston, Jefferson, and Orange Counties. The proposed revision to §115.229, concerning counties and compliance schedules, update expired compliance dates and add a new compliance date for new requirements.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections are in effect there would be no fiscal implications for state or local government or for small businesses. The anticipated economic cost for persons and businesses that are required to comply with the sections as proposed is associated with the abatement and recordkeeping requirements and is estimated as follows. The annual cost for 1991-1995: per facility is -0- for 1991 and $10,000 per year for 1992-1995.

Any costs continuing beyond 1995 would be continuing operating, maintenance, and recordkeeping costs. All estimates are stated in 1991 dollars with no adjustment for inflation.

Les Montgomery, P.E., director of program development, has determined that for each year of the first five years the sections are in