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billing cycle, notice of any rate change must be given at least 30 days prior to the effective date of the rate change; and

(6) notification of any pre-established insurance termination date due to underwriting or eligibility guidelines.

(b) The group policy and certificate of insurance shall state that the debtor shall contain language advising the debtor to attach the notice of rate change to their certificate of insurance.

(c) All forms, including the debtor's application and enrollment form, shall contain an identifying form number as required in §3.5201 of this title (relating to Submission of Form and Rate Filings).

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 9, 1992.

TRD-9207910

Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

Effective date: June 30, 1992

Proposal publication date: March 20, 1992

For further information, please call: (512) 463-6327

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter A. Definitions

The Texas Air Control Board (TACB) adopts amendments to §§115.119, 115.121, 115.127, 115.129, 115.131, 115.137, 115.139, 115.211, 115.212, 115.216, 115.217, 115.219, 115.229, and 115.239, with changes to the proposed text as published in the January 28, 1992, issue of the *Texas Register* (17 TexReg 618).

The amendments to §§115.10, 115.112-115.117, 115.122, 115.123, 115.125, 115.126, 115.132, 115.133, 115.135, 115.136, 115.213, 115.214, 115.215, 115.221-115.227, 115.234-115.236, 115.311-115.313, 115.315, 115.316, 115.319, 115.322-115.327, 115.329, 115.332-115.337, 115.339, 115.342, 115.347, 115.349, 115.412, 115.413, 115.415-115.417, 115.419, 115.421-115.427, 115.429, 115.432, 115.433, 115.435-115.437, 115.439, 115.512, 115.513, 115.515-115.517, 115.519, 115.531-115.537, 115.539, 115.612, 115.613, 115.615, 115.617, 115.619, and new

§115.317 and §115.614 are adopted without changes and will not be republished. Additionally, the TACB withdraws the proposed revisions to §§115.521-115.527, and 115.529.

The amendments satisfy a requirement by the U.S. Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to all previously designated nonattainment areas (Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties). This program is referred to as "leveling the playing field." The amendments also satisfy an EPA requirement to extend controls that currently exist in certain ozone nonattainment areas to newly-designated adjacent nonattainment counties (Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties). This program is referred to as the "perimeter county catch-ups." The revisions also remove potentially confusing cross-references and otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. In concurrent rulemaking, the TACB adopts the repeal of old §§115.242, 115.243, 115.245, 115.246, and 115.247.

Public hearings were held on February 24, 1992 in Beaumont, on February 25, 1992 in Houston and El Paso, and on February 26, 1992 in Arlington. Testimony was received from 14 commenters during the comment period which closed on February 28, 1992. Most of the comments addressed the specific changes proposed and cover a variety of issues. EPA; the Sierra Club, Lone Star Chapter (Sierra Club); Amoco Oil Company (Amoco); the Texas Chemical Council (TCC); and Exxon Chemical Americas (Exxon) generally supported the proposed revisions. Testimony submitted by TCC was supported by DuPont Gulf Coast Regional Manufacturing Services (DuPont), Ethyl Corporation (Ethyl), Mobil Oil Corporation (Mobil), Amoco, and Exxon. Texaco Chemical Company (Texaco); Marathon Oil Company (Marathon); the Texas Department of Transportation (TxDOT); the Motor Vehicle Manufacturers Association (MVMA); Spectrum Packaging, Incorporated (Spectrum); and an individual requested clarification or suggested changes.

The comments are categorized as being for or against the proposal. The 14 commenters suggested changes to the proposal and are categorized as being against the proposal. Those commenters who agreed with the proposal in its entirety are categorized as being for the proposal, but there are no such commenters.

EPA commented that the effective date of the revisions should not precede the compliance deadline of July 31, 1992 for some previous requirements. The TACB staff agrees and is specifying an effective date of August 1, 1992 for publication in the *Texas Register*, except that the TACB is specifying an effective date of 20 days after publication for the repeal of §§115.242-115.249.

EPA commented that the references to Hardin and Matagorda Counties in §§115.112(c), 115.121(c), 115.123(c),

115.127(c), 115.132(c), 115.133(c), 115.137(c), 115.212(c), 115.213(c), and 115.217(c) could be strengthened by clarifying that in the future these two counties will be affected by the more stringent requirements of subsection (a) of each of these rules. The staff agrees and has added clarifying language to §§115.119, 115.129, 115.139, and 115.219.

An individual commented that a hearing should have been held in Houston during the evening hours. The TACB's policy is to make the public hearings as accessible as possible and consequently three of the four hearings were held in the evening hours. However, the greatest attendance occurred at the Houston hearing, which was held at 11 a.m.

An individual suggested that volatile organic compound (VOC) rules for ozone nonattainment areas be implemented statewide and expressed general opposition to exemptions. Chapter 115 is specifically intended to address VOC emissions in ozone nonattainment areas rather than statewide emissions. The staff has evaluated the cost-effectiveness of substantive controls for small sources and believes that exemption of insignificant emission sources is appropriate.

An individual commented on recordkeeping requirements throughout Chapter 115. The commenter wanted the TACB to clarify whether the required records are to be made available to the public. Companies are not required to supply records directly to the public, but as stated in the opening paragraphs of the recordkeeping rules, the records must be made available to the TACB, EPA, and any local air pollution control agency having jurisdiction. Some of the information in records may be proprietary information, and the TACB cannot require that this information be made available to any member of the public upon request. However, the public does have access to nonproprietary information in TACB permit and compliance files.

An individual commented on testing requirements throughout Chapter 115. The commenter opposed language which authorizes "minor modifications to these test methods approved by the executive director" and commented that "minor modification" is not defined. EPA has identified and published specific acceptable test methods for use in determining compliance. These test methods are currently recognized as industry standards, but EPA has indicated that minor modifications to methods which do not involve any significant change in the results may be independently approved by the executive director. However, new test methods or major changes must still be submitted to EPA for approval.

An individual commented that "continuous compliance" and "substantially equivalent" are not defined in §115.113 or in similar paragraphs elsewhere in Chapter 115. These terms have the meanings commonly ascribed to them in the field of air pollution control, and the staff does not believe that further definition is necessary.

An individual recommended that the minimum control efficiency in §115.122(b) and elsewhere in Chapter 115 be set at 95-99% in-

stead of the proposed 90%. The minimum control efficiency was established by EPA's Control Techniques Guideline (CTG) to allow use of various control options, including catalytic incineration. While a catalytic incinerator may demonstrate very high initial destruction efficiency, the efficiency declines to approximately 90% before catalyst regeneration is necessary. The high cost and minimal additional benefit does not warrant the retrofit of existing sources with the best available control technology or lowest achievable emission rate technology required of new sources. Staff supports the 90% efficiency number required by EPA as reasonably available control technology (RACT), which is required of all affected sources in ozone nonattainment counties.

An individual contended that the alternate control requirements specified in §115.123(a) and elsewhere in Chapter 115 should require executive director approval in all cases. There are no substantive changes proposed in these subsections. Therefore, comments on this requirement are not within the scope of the proposed revisions. However, in conjunction with future EPA guidance, these comments will be considered for future rulemaking.

An individual commented that "significant odors" are not defined in §115.214(b)(1) or in similar paragraphs elsewhere in Chapter 115. This term has the meaning commonly ascribed to it in the field of air pollution control, and the staff does not believe that further definition is necessary.

Exxon commented that some of the Chapter 115 fugitive emissions monitoring requirements do not include an exemption for pump seals which are equipped with alarm systems, while the other monitoring programs may contain such an exemption. Exxon suggested that all fugitive emissions monitoring rules include an exemption for pump seals which are equipped with alarm systems. Since the fugitive emissions monitoring requirements were established in the CTGs relating to fugitive emissions control, the staff is not currently considering additional exemptions. Exemptions beyond those established in the CTGs could jeopardize EPA approval. Based on future EPA guidance, these comments will be considered for future rulemaking.

DuPont commented that 84% of VOC emissions in Jefferson County were the result of point sources, with 11% from mobile sources and 5.0% from area sources. Sixty-two percent of the VOC emissions in Dallas County were the result of mobile sources, with 29% from area sources and 9.0% from point sources. DuPont suggested that imposing the same control requirements in Jefferson County as in Dallas County was inappropriate. The staff believes that the proposed control requirements are appropriate. The staff agrees that additional emphasis on mobile sources in the Dallas/Fort Worth area will be necessary to achieve attainment with the ozone standard and, likewise, agrees that additional emphasis on point sources in Jefferson County will be needed in the future.

DuPont commented that the cost of compliance in Jefferson County may be higher than

that in other counties and estimated that some costs could be as high as \$10,000 per ton of VOC. The staff cannot discount the possibility that costs in Jefferson County may exceed that of other areas and notes that the requirements for Jefferson County have not changed significantly for a number of years, during which time the requirements for the other ozone nonattainment areas became more stringent. In essence, the Beaumont/Port Arthur area has more "catching up" to do than the other nonattainment areas.

DuPont, Mobil, and TCC commented that a later compliance date was needed in order to allow for design, permitting, and construction of abatement facilities. DuPont noted that when new vent gas control requirements in §§115.121-115.129 were imposed on Dallas County, two years were allowed for compliance with the changes. Ethyl suggested that 18 months to two years be allowed for compliance with the changes to §§115.121-115.129; Amoco and Marathon suggested two years. TCC requested an 18-month compliance schedule for changes to requirements for §§115.112-115.119 and a two-year compliance schedule for changes to requirements for §§115.121-115.129 and §§115.131-115.139. TCC and Exxon requested that the TACB provide a mechanism for extended compliance schedules for situations where a company is making an honest attempt to implement the required controls, but is unable to meet the compliance schedule due to equipment delivery delays, permitting delays, and even weather delays. DuPont expressed concern about possible damage to a company's reputation if the company is unable to install the required controls by the compliance date.

The staff can appreciate the time needed for the installation of control equipment in order to comply with the new requirements and, after discussion with EPA, revised the compliance schedule for changes to §§115.211-115.219 from July 31, 1993 to January 31, 1994 and revised the compliance schedule for changes to §§115.121-115.129 and §§115.131-115.139 from July 31, 1993 to July 31, 1994. For consistency with the revised compliance date of January 31, 1994 for changes to §§115.211-115.219, the staff has also revised the compliance schedule for changes to §§115.221-115.229 and §§115.234-115.239 from July 31, 1993 to January 31, 1994.

DuPont expressed concern that emission reductions resulting from the proposed changes could make it more difficult for Jefferson County to meet the emission reductions required by the 1990 Federal Clean Air Act (FCAA) Amendments and further suggested that the proposed revisions are premature. The staff notes that the baseline for the emission reductions is the 1990 emissions inventory, with a 15% VOC emission reduction required over the first six-year period and a 3.0% per year reduction (averaged over each consecutive three-year period) required beginning in 1996 until the attainment date. EPA has indicated that any creditable VOC emission reductions achieved beyond the required 15% during the first six years after enactment of the 1990 FCAA Amendments can be counted toward meeting the 3.0% rate of progress requirement. Given the magnitude of

the ozone problem in the Beaumont/Port Arthur area, the staff believes that expeditious emission reductions are needed in order to achieve attainment and reduce the possibility of this area being reclassified from "serious" to "severe" nonattainment after 1999.

An individual commented that the definition for delivery vessel/tank-truck tank in §115.10 should include wording to specify "a storage tank having a capacity greater than 1,000 gallons." This wording is identical to that included in the proposal; therefore, no change is needed.

An individual objected to the applicability and exemption levels specified in Tables I(a) and II(a) of §115.112 and additionally suggested that the requirement for a submerged fill pipe or vapor recovery system be changed to mandate the use of both controls. The control requirements specified in these tables are consistent with EPA guidelines which define RACT for VOC storage tanks. The staff does not believe that requiring multiple controls on storage tanks is appropriate due to the high cost and minimal additional benefit.

EPA noted that §115.116(a)(2) includes annual recordkeeping requirements for the inspection of seals on VOC storage tanks, which is inconsistent with the semiannual inspection requirement of §115.114(a)(3). Comments on §115.116(a)(2) are not within the scope of the proposed revisions since there are no changes proposed to this rule. However, the staff agrees with the commenter and will consider the issue in future rulemaking.

TCC and Exxon expressed concern that liquid phase polypropylene manufacturing processes were being added to §115.121(a)(3) for the first time and stated that a compliance schedule for affected facilities in Harris County should be provided. Affected liquid phase polypropylene manufacturing facilities in Harris County were required to be in compliance with the emission control requirements no later than January 27, 1990. The substitution of "polypropylene" for "polyethylene" in the rule language merely corrects a typographical error in the version of §115.121(a)(3) which became effective on February 19, 1990 (i.e., after the January 27, 1990 compliance deadline). All affected liquid phase polypropylene manufacturing facilities in Harris County must continue to comply with the control requirements.

DuPont commented that additional changes were needed to §115.123 to allow flexibility to meet RACT standards through source reduction and also suggested that the TACB consider allowing large industrial facilities to "bubble" emissions to meet the control requirements. Likewise, Amoco suggested a "compliance waiver" system which essentially would allow for "bubbles." Sections 115.121-115.129 already allow companies the flexibility to use process control as a source reduction technique rather than add-on controls to meet emission limitations. Sections 115.123 and 115.910 provide for site-specific state implementation plan (SIP) revisions which must be approved by the TACB and EPA, and §101.23 authorizes "bubbles." The federal requirements for "bubbles" are set forth in EPA's Emissions Trading Policy

Statement as published in the *Federal Register* on December 4, 1986.

Amoco expressed concern that emissions from process safety relief valves which vent during upset conditions and are manifolded to a knockout drum and then released to the atmosphere could be considered to be process vents affected by the vent gas stream control requirements of §§115.121-115.129. Marathon also asked for confirmation of their understanding that pressure safety valves and other emergency pressure relief devices are not intended to be covered by the vent gas rules. The vent gas rule addresses only normal process emissions. The staff previously has interpreted that upset conditions (such as the venting of safety relief valves) and maintenance are regulated by the TACB general rules, §101.6 and §101.7, and not by Chapter 115, unless otherwise specifically stated.

The staff noted that the 100-pound per continuous 24-hour period exemption in §115.127(a)(4) for air oxidation synthetic organic chemical, liquid phase polypropylene, liquid phase slurry high-density polyethylene, and continuous polystyrene manufacturing processes was inadvertently omitted during previous rulemaking. The TACB has reinstated this exemption.

Exxon commented on §§115.211-115.219 regarding emission control requirements for the loading and unloading of VOC. Specifically, Exxon questioned why controls are required on 20,000 gallons of VOC per day capacity or larger loading facilities which handle any VOC with a vapor pressure greater than 1.5 psia. This requirement was mandated by EPA in order to force the installation of controls in situations like this or to force the dedication of the loading rack to lower volatility (i.e., less than 1.5 psia) VOCs.

Dupont expressed concern that the control requirements of §115.212(a) for gasoline bulk plants could include motor vehicle fuel dispensing facilities. "Motor vehicle fuel dispensing facility" is defined separately in §115.10 and is not intended to be included in the definition of gasoline bulk plant.

EPA commented on §§115.221-115.229, noting that there is presently in place a federal implementation plan (FIP), 40 Code of Federal Regulations 52. 2285-52.2297, which includes requirements for Stage I vapor recovery in the Dallas/Fort Worth and Houston/Galveston perimeter counties and also in Bexar County. EPA commented that extension of §§115.221-115.229 Stage I requirements to the Dallas/Fort Worth and Houston/Galveston perimeter counties would allow for the rescission of the Stage I FIP when the SIP revision is approved for these counties. The staff notes that extension of Stage I vapor recovery to these perimeter counties is federally mandated, regardless of the existence of a FIP for these areas. For consistency with the revised compliance date of January 31, 1994 for §§115.211-115.219, the staff revised the compliance schedule for changes to §§115.221-115.229 from July 31, 1993 to January 31, 1994.

No comments were received on §§115.234-115.239. For consistency with the revised

compliance date of January 31, 1994 for changes to §§115.211-115.219, the staff has revised the compliance schedule for changes to §§115.234-115.239 from July 31, 1993 to January 31, 1994.

No comments were received on §§115.311-115.319.

An individual opposed the exclusion of safety pressure relief valves from the requirements of §115.322. Changes of this nature are beyond the scope of the proposed revisions since inclusion of the commenter's proposed change would impose rules of a more restrictive manner than those proposed for public comment. EPA's CTG relating to fugitive emissions monitoring programs for petroleum refineries includes an exemption for safety pressure relief valves because these components do not represent a significant source of VOC emissions.

The Sierra Club opposed the modified monitoring schedule available under §115.324(b)(8)(A). Changes in this area cannot be made at this time since deletion of the modified monitoring schedule would impose rules of a more restrictive manner than those proposed for public comment. However, the staff believes that a modified monitoring schedule should be available. Each request for a modified monitoring schedule is evaluated on a case-by-case basis, with the burden of proof on the facility to document satisfaction of the requirements.

The Sierra Club commented on §115.326(b)(2) and recommended that the concentration at which a leak is defined be lowered from 10,000 ppmv to 1,000 ppmv, except where the 28MID fugitive emissions monitoring program is implemented. This recommendation would be more restrictive than the existing rule and is beyond the scope of this rulemaking. The 10,000 ppmv concentration was established in the CTGs relating to fugitive emissions control. However, the staff will evaluate the cost-effectiveness of including a lower concentration in the definition of leak and, if appropriate, may consider this comment in future rulemaking.

Texaco commented that the requirement of §115.334(1)(E) to measure emissions immediately after repair of a component that had been leaking should be changed to "within a reasonable amount of time." Texaco stated that they believe that residual VOC following a repair may cause inaccurate monitoring readings immediately after repair. Comments on this rule are not within the scope of this rulemaking since there are no changes proposed to this rule. However, the intent of the requirement is to insure that repairs to leaking components are completed properly, as shown by monitoring immediately after repair. The staff does not believe that revised language is necessary.

Texaco suggested that clarification of §115.336(1) is needed to specify when the required monitoring program plan must be submitted for new or modified units. Section 115.339 specifies that facilities in the ozone nonattainment counties which are newly affected by the fugitive emissions monitoring requirements (i.e., the 15 ozone nonattainment counties other than Harris

County) must comply no later than July 31, 1993. New facilities in Harris County, and new facilities beginning operation after July 31, 1993 in ozone nonattainment counties other than Harris County, must comply with the fugitive emissions monitoring requirements upon start-up, and, therefore, must submit the monitoring plan prior to initial start-up. The suggested change appears to be unnecessary.

Texaco commented on §115.337(3), which was proposed to be renumbered as §115.337(2). Texaco suggested that definitions are needed to clarify "temporary nonoperating status" and "nonoperating process units," that the requirement to submit a compliance plan within one month prior to start-up is impractical and that the requirement to notify the TACB of start-ups and shutdowns be replaced with a requirement to keep records of such activities. No substantive changes were proposed in this paragraph; the paragraph number is simply being changed. However, the staff believes these comments may have merit and may consider the comments in future rulemaking in conjunction with future EPA guidance.

No comments were received on §§115.342-115.349, 115.412-115.419, 115.421-115.429, and 115.432-115.439.

The TxDOT commented on §115.512(3), requesting a clarification of whether cutback asphalt from an asphalt manufacturer located in a nonattainment county may be sold if the asphalt is intended for use in a non-affected county. The prohibition on the use, application, sale, or offering for sale of cutback asphalt in nonattainment counties was intended to restrict the use of cutback asphalt for paving of roads in these counties. Cutback asphalt may still be sold and used in counties other than the nonattainment counties, regardless of the location of the manufacturer. However, the TACB may consider future rulemaking which would place restrictions on the manufacturing of cutback asphalt in ozone nonattainment areas.

No comments were received on §§115.521-115.529. Subsequent to publication of the proposed changes, EPA advised the TACB of their intent to remove perchloroethylene from the definition of VOC and regulate perchloroethylene as a hazardous air pollutant under Title III of the 1990 FCAA Amendments. EPA recommended that the TACB not go forward with the proposal. Therefore, the TACB has withdrawn the proposed changes to §§115.521-115.529.

No comments were received on §§115.531-115.539.

MVMA, Spectrum, and an individual commented on §§115.612-115.619. MVMA expressed concern that a compliant windshield washer fluid would not provide freeze protection to 0 Degrees Fahrenheit and referred to Federal Motor Vehicle Safety Standard (FMVSS) 104. FMVSS 104 applies to new vehicles, while §115.617(4) specifically exempts windshield washer fluids used exclusively in new vehicles prior to initial sale. A compliant (8.0% by weight VOC) windshield washer fluid will provide freeze protection to 25 Degrees Fahrenheit, which the staff be-

lieves is adequate for the affected ozone nonattainment counties. An individual generally supported tighter regulation of consumer products. The staff will consider this request in future rulemaking in conjunction with the "15% SIP" and the November 15, 1994 attainment demonstration.

Spectrum commented generally that the rules need to be enforced. It is the TACB's policy to enforce its rules and take enforcement action when appropriate. The staff notes that the revisions to §§115.612-115.619 will strengthen the enforceability of these rules.

The TACB is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability in employment or in the provision of services, programs, or activities.

In compliance with the Americans With Disabilities Act, this document may be requested in alternate formats by contacting the Air Quality Planning Program staff at (512) 908-1457, (512) 908-1500 FAX, or 1-800-RELAY-TX (TDD), or by writing or visiting at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753.

• 31 TAC §115.10

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 purposes 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 18, 1992.

TRD-9208605 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

Subchapter B. General Volatile Organic Compound Sources Storage of Volatile Organic Compounds

• 31 TAC §§115.112-115.117, 115.119

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 purposes of the TCAA.

§115.119. *Counties and Compliance Schedules.* All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be

in compliance with §115.112(a) of this title (relating to Control Requirements), §115.113(a) of this title (relating to Alternate Control Requirements), §115.114(a) of this title (relating to Inspection Requirements), §115.115(a) of this title (relating to Testing Requirements), §115.116(a) of this title (relating to Recordkeeping Requirements), and §115.117(a) of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994. Sections 115.112(c) of this title, 115.113(c) of this title, and 115.117(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

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 18, 1992.

TRD-9208606 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

Vent Gas Control

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

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 purposes of the TCAA.

§115.121. *Emission Specifications.*

(a) For all persons in the Beaumont/Port Arthur, Dallas/ Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply.

(1) Until July 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following volatile organic compounds (VOC) or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(a)(1) of this title (relating to Control Requirements):

(A)-(B) (No change.)

(C) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and

branched chain hydrocarbons (C8 and above).

(2) In Dallas, Harris, and Tarrant Counties, and after July 31, 1994, in counties other than Dallas, Harris, and Tarrant, no person may allow a vent gas stream containing VOC to be emitted from any process vent, unless the vent gas stream is burned properly in accordance with §115.122(a)(1) of this title.

(3) In Harris County, and after July 31, 1994, in counties other than Harris, no person may allow a vent gas stream to be emitted from any air oxidation synthetic organic chemical manufacturing process, any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, or any continuous polystyrene manufacturing process, unless the vent gas stream is controlled to a VOC emission rate of no more than 20 parts per million or is burned properly in accordance with §115.122(a)(2) of this title.

(b) In Nueces and Victoria Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(b) (1) of this title:

(1) emissions of ethylene associated with the formation, handling, and storage of solidified low-density polyethylene;

(2) emissions of the following specific VOC: ethylene, butadiene, isobutylene, styrene, isoprene, propylene, methylstyrene; and

(3) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and branched chain hydrocarbons (C8 and above).

(c) For persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following emission specifications shall apply.

(1) No person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(c)(1) of this title:

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

(2) No person may allow a vent gas stream to be emitted from any catalyst regeneration of a petroleum or chemical process system, basic oxygen furnace, or fluid coking unit into the atmosphere, unless the vent gas stream is properly burned in accordance with §115.122(c)(2) of this title.

(3) No person may allow a vent gas stream to be emitted from any iron cupola into the atmosphere, unless the vent gas stream is properly burned in accordance with §115.122(c)(3) of this title.

(4) Vent gas streams from blast furnaces shall be burned properly in accordance with §115.122(c) (4) of this title.

§115.127. Exemptions.

(a) For all persons in the Beaumont/Port Arthur, Dallas/ Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions apply.

(1) (No change.)

(2) Until July 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, the following vent gas streams are exempt from the requirements of §115.121(a)(1) of this title (relating to Emission Specifications):

(A)-(B) (No change.)

(3) In Dallas, Harris, and Tarrant Counties, and after July 31, 1994, in counties other than Dallas, Harris, and Tarrant, the following vent gas streams are exempt from the requirements of §115.121(a)(2) of this title:

(A) (No change.)

(B) until July 31, 1994, in Harris County, a vent gas stream specified in §115.121(a)(2) of this title with a concentration of volatile organic compound (VOC) less than 0.44 psia true partial pressure (30,000 ppm); and

(C) a vent gas stream specified in §115.121(a)(2) of this title with a concentration of VOC less than 0.009 psia true partial pressure (612 ppm).

(4) In Harris County, and after July 31, 1994, in counties other than Harris, the following vent gas streams are exempt from the requirements of §115.121(a)(3) of this title:

(A)-(B) (No change.)

(C) a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period.

(b) For all persons in Nueces and Victoria Counties, the following exemptions apply.

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(b)(1) of

this title if no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1,000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of the solidified product.

(2) The following vent gas streams are exempt from the requirements of §115.121(b)(1) of this title:

(A) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(b)(1)(B) and (C) of this title equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period; and

(B) a vent gas stream with a concentration of the VOC or classes of compounds specified in §115.121(b)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (30,000 ppm).

(c) For all persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following exemptions apply.

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(c)(1) of this title if no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1,000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of the solidified product.

(2) The following vent gas streams are exempt from the requirements of §115.121(c)(1) of this title:

(A) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(c)(1)(B) and (C) of this title equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period;

(B) a vent gas stream having a concentration of the VOC specified in §115.121(c)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (3.0 kPa); and

(C) a vent gas stream from any process referenced in §115.121(c)(2) of this title emitting less than or equal to five tons (4,536 kg) of total uncontrolled VOC in any one calendar year.

§115.129. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/ Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Vent Gas Control) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.121(a) of this title (relating to Emission Specifications), §115.122(a) of this title (relating to Control Requirements), §115.123(a) of this title (relating to Alternate Control Requirements), §115.125(a) of this title (relating to Testing Requirements), §115.126 of this title (relating to Recordkeeping Requirements), and §115.127(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994. Sections 115.121(c) of this title, 115.122(c) of this title, 115.123(c) of this title, and 115.127(c) of this title shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

(2) All persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.121(a)(2) and (3) of this title and §115.127(a)(3) of this title shall be in compliance with these sections as soon as practicable, but no later than July 31, 1994.

(3) All persons in Harris County affected by the provisions of §115.127(a)(3)(C) of this title shall be in compliance with this section as soon as practicable, but no later than July 31, 1994.

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 Hartscock
Deputy Director, Air Quality
Planning
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For further information, please call: (512) 908-1451

Water Separation

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

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 purposes of the TCAA.

§115.131. Emission Specifications.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), 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) (No change.)

(2) a true partial pressure of 1.5 psia (10.3 kPa) at facilities other than petroleum refineries until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties;

(3) a true partial pressure of 0.5 psia (3.4 kPa) at any facility in Dallas and Tarrant Counties; or

(4) a true partial pressure of 0.5 psia (3.4 kPa) at facilities other than petroleum refineries after July 31, 1994, in counties other than Dallas and Tarrant.

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

(c) For all persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, any VOC water separator equipped with a vapor recovery system in order to comply with §115.132(c) of this title 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).

§115.137. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

(1) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, volatile organic compound (VOC) water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(a) of this title (relating to Control Requirements).

(2) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(a) of this title.

(3) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.

3 kPa) obtained from any equipment in a facility other than a petroleum refinery is exempt from §115.132(a).

(4) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 0.5 psia (3.4 kPa) obtained from any equipment is exempt from §115.132(a) of this title.

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) VOC water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(b) of this title.

(2) Any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(b) of this title.

(3) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.3 kPa) obtained from any equipment is exempt from §115.132(b) of this title.

(4) In Gregg County, any single or multiple compartment VOC water separator which separates materials obtained from any equipment in a facility other than a petroleum refinery is exempt from §115.132(b) of this title.

(c) For Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following exemptions shall apply.

(1) VOC water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(c) of this title.

(2) Any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(c) of this title.

(3) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.3 kPa) obtained from any equipment is exempt from §115.132(c) of this title.

§115.139. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Water Separation) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.131(a) of this title (relating to Emission Specifications), §115.132(a) of this title (relating to Control Requirements), §115.133(a) of this title (relating to Alternate Control Requirements), §115.135(a) of this title (relating to Testing Requirements), §115.136(a) of this title (relating to Recordkeeping Requirements), and §115.137(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994. Sections 115.131(c) of this title, 115.132(c) of this title, 115.133(c) of this title, and 115.137(c) of this title shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

(2) All persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties affected by §115.131(a)(4) of this title and §115.137(a)(1)-(3) of this title shall be in compliance as soon as practicable, but no later than July 31, 1994.

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 Hartscock
Deputy Director, Air Quality
Planning
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For further information, please call: (512) 908-1451

Subchapter C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

• 31 TAC §§115.211-115.217, 115.219

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 purposes of the TCAA.

§115.211. Emission Specifications. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply.

(1) Gasoline terminal, as defined in §115.10 of this title (relating to Definitions), emission limitations are as follows:

(A) until January 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, volatile organic compound (VOC) vapors from gasoline terminals shall be reduced to a level not to exceed 0.67 pounds of VOC from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred; and

(B) in Dallas, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, Harris, and Tarrant, VOC vapors from gasoline terminals shall be reduced to a level not to exceed 0.33 pound of VOC from the vapor recovery system vent per 1,000 gallons (40 mg/liter) of gasoline transferred.

(2) In Harris County, and after January 31, 1994, in counties other than Harris, the maximum loss of VOC due to product transfer at a gasoline bulk plant, as defined in §115.10 of this title, is 1.2 pounds per 1,000 gallons (140 mg/liter) of gasoline transferred.

§115.212. Control Requirements.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply.

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

(4) In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant, no person 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) In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant, no person 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) (No change.)

(b) For all persons in Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.

(1) No person shall permit the loading or unloading of volatile organic compounds (VOC) to or from any facility other than gasoline terminals, unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title (relating to Definitions).

(2) When loading or unloading is effected through the hatches of a tank-truck or trailer or railroad tank car with a loading arm equipped with a vapor collection adapter, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided to prevent liquid drainage from the loading device when it is removed from the hatch of any tank-truck, trailer, or railroad tank car, or to accomplish complete drainage before such removal. When loading or unloading is effected through means other than hatches, all loading and vapor lines shall be:

(A) equipped with fittings which make vapor-tight connections and which close automatically when disconnected; or

(B) equipped to permit residual VOC in the loading line to discharge into a recovery or disposal system after loading is complete. All gauging and sampling devices shall be vapor-tight, except for necessary gauging and sampling.

(3) Vapor recovery systems and loading equipment at gasoline terminals must be designed and operated to meet the following conditions:

(A) gauge pressure must not exceed 18 inches of water (4.5 kPa) and vacuum must not exceed six inches of water (1.5 kPa) in the gasoline tank-truck;

(B) no VOC leaks, as defined in §115.10 of this title, shall be allowed from any potential leak source when measured with a portable combustible gas detector; and

(C) no avoidable liquid or gaseous leaks, as detected by sight, sound, or smell, shall exist during loading and unloading operations.

(c) For all persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following requirements shall apply.

(1) No person shall permit the loading or unloading to or from any loading facility of VOC, unless such facility is equipped with a vapor recovery system as defined in §115.10 of this title.

(2)-(4) (No change.)

§115.216. Recordkeeping Requirements. For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211 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, U.S. Environmental Protection Agency, or local air pollution control agency having jurisdiction in the area:

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

(4) for gasoline bulk plants in Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant:

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

§115.217. Exemptions.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions apply.

(1) (No change.)

(2) Any facility, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) throughput of volatile organic compounds (VOC) per day (averaged over any consecutive 30-day period) is exempt from the requirements of this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds).

(3) Until January 31, 1994, gasoline terminals located in Harris County and having less than 500,000 gallons (1,892,706 liters) throughput per day (averaged over any consecutive 30-day period) are exempt from the requirements of §115.211(1)(B) of this title (relating to Emission Specifications).

(4) Until January 31, 1994, gasoline terminals located in Dallas and Tarrant Counties and having less than 100,000 gallons (378,541 liters) throughput per day (averaged over any consecutive 30-day period) are exempt from the requirements of §115.211(1)(B) of this title.

(5) (No change.)

(6) Gasoline bulk plants which have a gasoline throughput less than 4,000 gallons (15,142 liters) per day averaged over any consecutive 30-day period are exempt from the provisions of §115.211(2) of this title, §115.212(a)(5) of this title (relating to Control Requirements), and §115.216(4) of this title (relating to Recordkeeping Requirements).

(b) For all persons in Gregg, Nueces, and Victoria Counties, the following exemptions apply.

(1) Any facility for loading or unloading of VOC with a true vapor pressure less than 1.5 psia (10.3 kPa) under actual storage conditions is exempt from the requirements of this undesignated head.

(2) Any facility having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) is exempt from the requirements of this undesignated head.

(3) All loading and unloading facilities for crude oil and condensate, for ships and barges, and for liquefied petroleum gas only (regulated by the safety rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) are exempt from the requirements of §115.212(b) of this title.

(c) For all persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following exemptions apply.

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

(3) All loading or unloading facilities for crude oil or condensate, for ships and barges, and for facilities loading or unloading only liquefied petroleum gas (regulated by the safety rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) are exempt from the provisions of §115.212(c) of this title.

§115.219. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.211 of this title (relating to Emission Specifications), §115.212(a) of this title (relating to Control Requirements), §115.213(a) of this title (relating to Alternate Control Requirements), §115.214(a) of this title (relating to Inspection Requirements), §115.215(a) of this title (relating to Testing Requirements), §115.216 of this title (relating to Recordkeeping Requirements), and §115.217(a) of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994. Section 115.212(c) of this title, §115.213(c) of this title, and §115.217(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

(2) All affected persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.211(1)(B) of this title as soon as practicable, but no later than January 31, 1994.

(3) All affected persons in Brazoria, Dallas, El Paso, Galveston, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.211(2) of this title as soon as practicable, but no later than January 31, 1994.

(4) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.212(a)(4) and (5) of this title, §115.214(a)(4) of this title, and §115.216(4) of this title as soon as practicable, but no later than January 31, 1994.

(5) All affected persons in Harris County shall be in compliance with §115.217(a)(3) of this title as soon as practicable, but no later than January 31, 1994.

(6) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.217(a)(4) of this title as soon as practicable, but no later than January 31, 1994.

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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TRD-9208609 Lane Hartssock
Deputy Director, Air Quality
Planning
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For further information, please call: (512) 908-1451

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

• 31 TAC §§115.221-115.227, 115.229

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 purposes of the TCAA.

§115.229. Counties and Compliance Schedules. All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in compliance with this undesignated head (relating to Stage I Filling of Gasoline Storage Vessels) as soon as practicable, but no later than January 31, 1994.

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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TRD-9208610 Lane Hartssock
Deputy Director, Air Quality
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For further information, please call: (512) 908-1451

Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks

• 31 TAC §§115.234-115.236, 115.239

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 purposes of the TCAA.

§115.239. Counties and Compliance Schedules. All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.234 of this title (relating to Inspection Requirements), §115.235 of this title (relating to Testing Requirements), and §115.236 of this title (relating to Recordkeeping Requirements) as soon as practicable, but no later than January 31, 1994.

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TRD-9208611 Lane Hartssock
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For further information, please call: (512) 908-1451

Subchapter D. Petroleum Refining and Petrochemical Processes

Process Unit Turnaround and Vacuum Producing Systems in Petroleum Refineries

• 31 TAC §§115.311-115.313, 115.315-115.317, 115.319

The amendments and new section 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 consis-

tent with the policy and purposes of the TCAA.

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Subchapter D. Petroleum Refining and Petrochemical Processes

Fugitive Emission Control in Petroleum Refineries

- 31 TAC §§115.322-115.327, 115.329

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), 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 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) 908-1451

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

- 31 TAC §§115.332-115.337, 115.339

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), 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.

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Fugitive Emission Control in Natural Gas/Gasoline Processing Operations

- 31 TAC §§115.342-115.347, 115.349

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

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Subchapter E. Solvent-Using Processes

Degreasing Processes

- 31 TAC §§115.412, 115.413, 115.415-115.417, 115.419

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

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Surface Coating Processes

- 31 TAC §§115.421-115.427, 115.429

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

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Graphic Arts (Printing) by Rotograve and Flexographic Processes

- 31 TAC §§115.432, 115.433, 115.435-115.437, 115.439

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), 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.

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For further information, please call: (512) 908-1451

Subchapter F. Miscellaneous Industrial Sources

Cutback Asphalt

- 31 TAC §§115.512, 115.513, 115.515-115.517, 115.519

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 purposes 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 18, 1992.

TRD-9208619 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

Pharmaceutical Manufacturing Facilities

- 31 TAC §§115.531-115.537, 115.539

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), 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 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 18, 1992.

TRD-9208621 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

Subchapter G. Consumer Related Sources

Consumer Related Solvent Products

- 31 TAC §§115.612, 115.613, 115.614, 115.615, 115.617, 115.619

The new sections are adopted under the Texas Clean Air Act, §382.017 (TCAA), 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 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 18, 1992.

TRD-9208622 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part II. Texas Youth Commission

Chapter 85. Admission and Placement

Placement Planning

- 37 TAC §§85.29, §85.43

The Texas Youth Commission (TYC) adopts amendments to §85.29, and §85.43, concerning program completion and movement and interstate compact for TYC Youth, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3718).

The amendment to §85.29 assures that a youth will not be released until he/she completes all of the requirements of the program. Section 85.43 assures that the receiving state will have all of the pertinent information before receiving the youth.

The amendment to §85.29 states that when a youth is in follow-up in a high restriction program, the provision requiring that parole be earned will take precedence over the provision requiring automatic parole after six months in follow-up. The amendment to §85.43 adds subsections regarding emergency home evaluations and travel permits.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

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 22, 1992.

TRD-9208662 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: July 14, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 483-5244

Chapter 87. Treatment

Other Programs

- 37 TAC §87.53

The Texas Youth Commission (TYC) adopts an amendment to §87.53, concerning moral values, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3719).

The section concerning moral values, worship, and religious education of youth committed to TYC. The amendment will bring about a more efficient treatment process.

Provision is made for reasonable access to religious programs/counseling.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.046, which provides the Texas Youth Commission with the authority to provide for the religious and spiritual training for children in its custody according to the children's individual choices.

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 22, 1992.

TRD-9208661 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: July 14, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 483-5244

Chapter 91. Discipline and Control

Control

- 37 TAC §91.69

The Texas Youth Commission (TYC) adopts an amendment to §91.69, concerning detection, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3721).

The amendment will bring about more thorough and efficient detention procedures.

Criteria for detention placement now includes major rule violations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.040, which provides the Texas Youth Commission with the authority to establish and operate places for detention.

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 22, 1992.