

# Texas Register

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(D) notification of closure.

(i) For purposes of this subchapter, closure means that:

(I) waste is no longer being placed in the landfill; and

(II) no additional wastes will be placed in the landfill without filing a notification of modification as prescribed by the Texas Water Commission.

(ii) Landfills that are closed permanently between reporting periods shall report as directed by §101.10 of this title and continue reporting until the landfill emissions are below 150 megagrams per year (167 tons per year).

**§115.157. Exemptions.** For the Dallas/Fort Worth ozone nonattainment area, the following facilities are exempt:

(1) any municipal solid waste landfill (MSWLF) having a total emission rate equal to or less than 150 megagrams (Mgs) per year (167 tons per year);

(2) any MSWLF with a capacity of less than 50,000 Mgs (55,500 tons);

(3) any MSWLF which closed or stopped receiving waste prior to November 8, 1987 and does not have the capacity to receive anymore waste.

**§115.159. Counties and Compliance Schedule.** All affected municipal solid waste landfills (MSWLFs) in the Collin, Dallas, Denton, and Tarrant counties shall be in compliance with this undesignated head as soon as practicable, but no later than May 31, 1995.

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 July 5, 1993.

TRD-9325253

Lane Hartscock  
Deputy Director, Air Quality  
Planning  
Texas Air Control Board

Proposed date of adoption: November 12, 1993

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

## Subchapter C. Volatile Organic Compound Transfer [Marketing] Operations

### Loading and Unloading of Volatile Organic Compounds

#### • 31 TAC §§115.211, 115.212, 115.214-115.217, 115.219

The Texas Air Control Board (TACB) proposes amendments to §§115.211, 115.212, 115.214-115.217, and 115.219, concerning Loading and Unloading of Volatile Organic Compounds. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) and the 1990 Amendments to the Federal Clean Air Act (FCAA) for states to develop and adopt the Rate of Progress (ROP) State Implementation Plan (SIP) by November 15, 1993. The ROP SIP is required to achieve and maintain a volatile organic compounds (VOC) emissions level that is 15% below the 1990 base year emissions by 1996 in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas. The affected ozone nonattainment counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller.

The proposed amendments to §115.211, concerning Emission Specifications, reduce the emission limitation for gasoline terminals to 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons of gasoline transferred and clarify the applicability of existing requirements. The proposed amendments to §115.212, concerning Control Requirements, specify a minimum vapor recovery system control efficiency, move requirements for loading operations and unloading operations into separate paragraphs, reduce the applicability level from a VOC vapor pressure of 1.5 pounds per square inch absolute (psia) to 0.5 psia, require transport vessels to be kept vapor-tight at all times, delete an exemption for gauging and sampling, extend the "once-in, always-in" requirements for gasoline terminals and bulk plants to include all VOC loading and unloading operations, and clarify the applicability of existing requirements.

For consistency, the proposed amendments to §115.212 also add language to the existing requirements for Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties which specifies a minimum vapor recovery system control efficiency, moves requirements for loading operations and unloading operations into separate paragraphs, reduces the applicability level from a VOC vapor pressure of 1.5 psia to 0.5 psia, requires transport vessels to be kept vapor-tight at all times, and deletes an exemption for gauging and sampling.

The proposed amendments to §115.214, concerning Inspection Requirements, expand the inspection requirements to include railcars and clarify the applicability of existing requirements. The proposed amendments to §115.215, concerning Testing Requirements,

update the test methods for determining true vapor pressure. For consistency, the proposed amendments to §115.215 also apply to Gregg, Nueces, and Victoria Counties.

The proposed amendments to §115.216, concerning Monitoring and Recordkeeping Requirements, update cross-references, clarify existing requirements, and add recordkeeping requirements for VOC loading and unloading operations other than gasoline terminals and gasoline bulk plants. For consistency, the proposed recordkeeping requirements are also proposed for Gregg, Nueces, and Victoria Counties.

The proposed amendments to §115.217, concerning Exemptions, reduce the exemption level from a VOC vapor pressure of 1.5 psia to 0.5 psia, eliminate the exemptions for crude oil and condensate, update cross-references, and clarify the applicability of existing requirements. For consistency, the proposed amendments to §115.217 also add language to the existing requirements for Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties which reduces the exemption level from a VOC vapor pressure of 1.5 psia to 0.5 psia, updates cross-references, and clarifies the applicability of existing requirements.

The proposed §115.219, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance dates for the new requirements. The TACB also proposes to change the title of Subchapter C from Volatile Organic Compound Marketing Operations to Volatile Organic Compound Transfer Operations to more accurately reflect the content of this subchapter.

The proposed amendments are part of a series of proposed revisions to Chapter 115 (Regulation V, concerning Control of Air Pollution From Volatile Organic Compounds) and the SIP to provide the required reductions in the ozone nonattainment areas as mandated by the 1990 FCAA Amendments. Since this is an interim step in attaining the ozone standard, only those controls needed to satisfy the requirement will be adopted by the November 15, 1993, deadline. Additional controls are anticipated to be adopted by November 15, 1994, in conjunction with an attainment demonstration requirement in each ozone nonattainment area. By this time, Urban Airshed Modeling (UAM) will be available to facilitate more scientific decision making regarding the effect of control measure scenarios on ozone levels. The UAM is a quantitative state-of-the-art computer model that will enable the staff to evaluate the effects of various combinations of control measures on ozone.

The EPA has recently provided guidance which modifies in part the States' requirement to submit all rules necessary to meet the ROP reduction by November 15, 1993. Texas will submit rules to meet the ROP reduction in two phases. Phase I will consist of a core set of rules comprising at least 70% of the required reductions. This phase will be submitted by the original deadline of November 15, 1993. Phase II will consist of any remaining percentage toward the 15% net of growth reductions, as well as additional contingency measures to obtain an additional 3.0% of

reductions. Phase II will be submitted by November 15, 1994. A commitment listing the rules to achieve the additional percentages and contingency measures will be submitted in conjunction with the Phase I SIP by November 15, 1993.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five-year period the proposed rules are in effect, the annual cost to state and local governments is estimated at \$30,000, which would primarily be the result of hiring additional personnel to inspect and monitor under the new requirements.

Mr. Hartsock has also determined that for each year of the first five-year period the proposed rules are in effect, the public benefit anticipated as a result of implementing the rules will be satisfaction of FCAA Amendments and EPA requirements, VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard, and reduced public exposure to benzene and other air toxics. Economic costs to small businesses, persons, and businesses required to implement the proposed measures may vary from no cost if the facility already has add-on control equipment to about \$890,000 plus the cost of fuel for a combustion device or \$1,435,000, minus the value of product recovered, for a carbon adsorption system. These costs estimates include monitoring equipment. Many of the gasoline terminals already meet the 10.8 mg/liter emission limitation recommended in this proposed revision. Any costs continuing beyond 1997 would be operating, maintenance, and recordkeeping requirements. All estimates are stated in 1993 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1993-1997.

Public hearings on this proposal are scheduled for the following times and places: August 4, 1993, 6:30 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; August 5, 1993, 6:30 p.m., Houston-Galveston Area Council Second Floor, Conference Room A, 3555 Timmons Lane, Houston; August 5, 1993, 2:30 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington; August 6, 1993, 11:30 a.m., John Gray Institute, 855 Florida Avenue, Beaumont.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings must be submitted to the TACB Central Office in Austin no later than August 13, 1993. Material received by the Regulation Development Division by 4:00 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

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

#### *§115.211. 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) Emission limitations for gasoline terminals [Gasoline terminal], as defined in §115.10 of this title, [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 ozone nonattainment 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; and

(C) after May 31, 1995, VOC emissions from gasoline terminals shall be reduced to a level not to exceed 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons (10.8 mg/liter) of gasoline transferred.

(2) In Harris County, and after January 31, 1994, in ozone nonattainment 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.

(b) For all persons in Gregg, Nueces, and Victoria Counties, [volatile organic compound (VOC) vapors] VOC emissions 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.

#### *§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) Until May 31, 1995, at volatile organic compound (VOC) loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals no [No] person shall permit the loading [or unloading] of [volatile organic compounds (VOC)] VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions to transport vessels [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). The vapor recovery system must maintain a control efficiency of at least 90%.

(2) After May 31, 1995, at VOC loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals no person shall permit the loading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions to transport vessels unless the vapors are processed by a vapor recovery system, as defined in §115.10 of this title. The vapor recovery system must maintain a control efficiency of at least 90%.

(3) Until May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions from any transport vessel, excluding marine vessels, unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas.

(4) After May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions from any transport vessel, excluding marine vessels, unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas.

(5)[(2)] All loading and unloading of VOC shall be conducted such

that: [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 tanktruck, 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]

(A) All liquid [loading] and vapor lines shall be:

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

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

(B) There are no VOC leaks, as defined in §115.10 of this title, when measured with a hydrocarbon gas analyzer, and no liquid or vapor leaks, as detected by sight, sound, or smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

(6) When loading is effected through the hatches of a transport vessel 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 which prevents liquid drainage from the loading device when it is removed from the hatch of any transport vessel, or which routes all VOC emissions to a vapor recovery system.

(7)[(3)] No person shall permit the loading of gasoline to a transport vessel from a gasoline terminal unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title. Vapor recovery systems and loading equipment at gasoline terminals must be designed and operated such that [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 (relating to Definitions), shall be allowed from any potential leak source when measured with a portable combustible gas detector.

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

(8)[(4)] In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in ozone nonattainment 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) (No change.)

[(B)] there are no leaks, as detected by sight, sound, or smell, in the transfer system, which includes liquid lines, vapor lines, hatch covers, and pumps, or in the transport vessel's pressure-vacuum relief valves resulting from emergency situations when pressures exceed the specifications in paragraph (5)(D) of this subsection;]

(B)[(C)] the only atmospheric emission during gasoline transfer is through the storage tank's pressure-vacuum relief valve resulting from emergency situations when pressures exceed the specifications in paragraph (9)(C) [(5)(D)] of this subsection; and

[(D)] all gauging and sampling devices are vaportight except during necessary gauging and sampling; and]

(C)[(E)] the transport vessel is kept vaportight at all times [(except when gauging)] until the [captured] vapors remaining in the transport vessel are discharged to a vapor recovery system, if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/ Galveston Areas [properly during the transport vessel's next refill].

(9)[(5)] In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in ozone nonattainment counties other than Dallas, El Paso, Harris, and Tarrant, no person shall permit the transfer

of gasoline from a gasoline bulk plant into a transport vessel [delivery tank-truck tank], unless the following requirements are met:

(A) the transport vessel [tank-truck tank], if equipped for top loading, has a submerged fill pipe;

[(B)] there are no gasoline leaks, as detected by sight, sound, or smell, between the storage tank connections and the delivery truck;]

(B) [(C)] a vapor return line is installed from the transport vessel [delivery truck] to the storage tank;

(C)[(D)] gauge pressure does not exceed 18 inches of water (4.5 kPa) and vacuum does not exceed six inches of water (1.5 kPa) in the gasoline tank-truck tank; and

[(E)] there are no vapor leaks, as detected by sight, sound, or smell, in the transfer system, which includes liquid lines, vapor lines, hatch covers, and pumps or in the delivery truck's pressure-vacuum relief valves;]

(D)[(F)] the only atmospheric emission during gasoline transfer is through the storage tank pressure-vacuum relief valves resulting from emergency situations when pressures exceed the specification in subparagraph (C) [(D)] of this paragraph. [; and

[(G)] all gauging and sampling devices are vaportight except during gauging or sampling.]

(10)[(6)] Any loading or unloading operation [gasoline terminal or bulk plant] that becomes subject to the provisions of [(a)(1), (2), (3), (4), or (5) of] this subsection by exceeding provisions of §115.217(a) of this title (relating to Exemptions) will remain subject to the provision of this subsection, even if throughput or emissions later fall below exemption limits.

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

(1) Until May 31, 1995 at VOC loading or unloading operations other than gasoline terminals, no [No] person shall permit the loading [or unloading] of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions to a transport vessel [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. The vapor

recovery system must maintain a control efficiency of at least 90%.

(2) After May 31, 1995 at VOC loading or unloading operations other than gasoline terminals, no person shall permit the loading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions to a transport vessel unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title. The vapor recovery system must maintain a control efficiency of at least 90%.

(3) Until May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in Gregg, Nueces, or Victoria Counties.

(4) After May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in Gregg, Nueces, or Victoria Counties.

(5)[(2)] All loading and unloading of VOC shall be conducted such that: [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 tanktruck, 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]

(A) All liquid [loading] and vapor lines shall be:

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

(ii)[(B)] equipped to permit residual VOC in the loading line after loading is complete to discharge into a recovery or disposal system which routes

all VOC emissions to a vapor recovery system [after loading is complete. All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling].

(B) There are no VOC leaks, as defined in §115.10 of this title, when measured with a hydrocarbon gas analyzer, and no liquid or vapor leaks, as detected by sight, sound, or smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

(6) When loading is effected through the hatches of a transport vessel 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 which prevents liquid drainage from the loading device when it is removed from the hatch of any transport vessel, or which routes all VOC emissions to a vapor recovery system.

(7)[(3)] No person shall permit the loading of gasoline to a transport vessel from a gasoline terminal unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title. Vapor recovery systems and loading equipment at gasoline terminals must be designed and operated such that [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 (relating to Definitions), 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) Until May 31, 1995, at VOC loading or unloading operations other than gasoline terminals, no [No] person shall permit the loading [or unloading] of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions to a transport

vessel [to or from any loading facility of VOC.] unless the vapors are processed by [such facility is equipped with] a vapor recovery system as defined in §115.10 of this title. The vapor recovery system must maintain a control efficiency of at least 90%.

(2) After May 31, 1995, at VOC loading or unloading operations other than gasoline terminals, no person shall permit the loading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions to a transport vessel unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title. The vapor recovery system must maintain a control efficiency of at least 90%.

(3) Until May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, or Travis Counties.

(4) After May 31, 1995, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, or Travis Counties.

(5) All loading and unloading of VOC shall be conducted such that:

(A) all liquid and vapor lines shall be:

(i) equipped with fittings which make vaportight connections and which close automatically when disconnected; or

(ii) equipped to permit residual VOC in the loading line after loading is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor recovery system;

(B) there are no VOC leaks, as defined in §115.10 of this title, when measured with a hydrocarbon gas

analyzer, and no liquid or vapor leaks, as detected by sight, sound, or smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

(6)[(2)] When loading [or unloading] is effected through the hatches of a transport vessel [tank-truck or trailer or railroad tank car] with a loading arm equipped with a vapor collection [collecting] 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 which prevents [to prevent] liquid drainage from the loading device when it is removed from the hatch of any transport vessel [tank-truck, trailer, or railroad tank car], or which routes all VOC emissions to a vapor recovery system [to accomplish complete drainage before such removal.

(3) When loading or unloading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected or shall be equipped to permit residual VOC in the loading line to discharge into a recovery or disposal system after loading is complete.

(4) All gauging and sampling devices shall be vaportight except for necessary gauging and sampling.]

#### *§115.214. Inspection Requirements.*

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

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from volatile organic compound (VOC) dispensing operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation [facility] or the owner or operator of the transport vessel [tank-truck].

(2) (No change.)

(3) In Dallas, El Paso, Harris, and Tarrant Counties, gasoline tank-truck tanks being loaded must have been leak tested within one year, in accordance with the requirements of §§115.234-115.237 and §115.239 of this title [the undesignated head] (relating to Control of Volatile Organic Compound Leaks From Transport Vessels [Gasoline Tank-Trucks]), as evidenced by prominently displayed certification, affixed near the Department of Transportation certification plate.

(4) After January 31, 1994, in ozone nonattainment counties other than

Dallas, El Paso, Harris, and Tarrant, gasoline tank-truck tanks being loaded must have been leak tested within one year, in accordance with the requirements of §§115.234-115.237 and §115.239 of this title [the undesignated head] (relating to Control of Volatile Organic Compound Leaks From Transport Vessels [Gasoline Tank-Trucks]), as evidenced by prominently displayed certification, affixed near the Department of Transportation certification plate.

(5) After May 31, 1995, all tank-truck tanks loading or unloading VOC having a true vapor pressure greater than or equal to 0.5 pounds per square inch absolute under actual storage conditions must have been leak tested within one year in accordance with the requirements of §§115.234-115.237 and §115.239 of this title (relating to Control of Volatile Organic Compound Leaks From Transport Vessels) as evidenced by prominently displayed certification affixed near the Department of Transportation certification plate.

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

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from VOC dispensing operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation [facility] or the owner or operator of the transport vessel [tank-truck].

(2) (No change.)

#### *§115.215. Testing Requirements.*

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, compliance with §115.211(a) of this title (relating to Emission Specifications) and §115.212(a) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

(7) determination of true vapor pressure using ASTM Test Methods D323-89, D2879, D4953, D5190, or D5191 [Method D323-82] for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.211(b) of this title and §115.212(b) of this title shall be determined by applying the following test methods, as appropriate:

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

(7) determination of true vapor pressure using ASTM Test Methods D323-89, D2879, D4953, D5190, or D5191 [Method D323-82] for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(8) (No change.)

#### *§115.216. Monitoring and Recordkeeping Requirements.*

(a) For volatile organic compound (VOC) loading or unloading operations [facilities] in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas 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 plant as defined by its Texas Air Control Board (TACB) account number [facility] for at least two years and shall make such information available upon request to representatives of the TACB [Texas Air Control Board (TACB)], United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area:

(1) a daily record of the total throughput of VOC loaded at the plant as defined by its Texas Air Control Board (TACB) account number [facility];

(2) for vapor recovery systems:

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

(C) continuous monitoring and recording of the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.010 of this title (relating to Definitions)[, to determine breakthrough]; and

(D) (No change.)

(3) for gasoline terminals:

(A) a comprehensive record of all tank-trucks loaded, including the certification number of the tank-truck [delivery vessel] and the date of the last leak testing required by §115.214(a)(3)-(5) [§115.214(a)(3)] of this title (relating to Inspection Requirements);

(B) a daily record of the certification number of all tank-trucks [delivery vessels] loaded at the affected terminal;

(C) a daily record of the number of transport [delivery] vessels

loaded at the terminal and the quantity of gasoline loaded to each transport [delivery] vessel; and

(D) (No change.)

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

(A) a comprehensive record of all tank-trucks loaded, including the certification number of the tank-truck [delivery vessel] and the date of the last leak testing required by §115.214(a)(3)-(5) [§115.214(a)(3)] of this title;

(B) a daily record of the certification number of all tank-trucks [delivery vessels] loaded at the affected bulk plant;

(C) a daily record of the number of transport [delivery] vessels loaded at the bulk plant and the quantity of gasoline loaded to each transport [delivery] vessel; and

(D) (No change.)

(5) for VOC loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, a daily record of each transport vessel loaded or unloaded, including:

(A) the certification number of each tank-truck loaded or unloaded and the date of the last leak testing required by §115.214(a)(5) of this title;

(B) the volume of VOC loaded to or unloaded from each transport vessel; and

(C) the vapor pressure of the VOC loaded to or unloaded from each transport vessel.

(6)[(5)] affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(a) of this title (relating to Testing Requirements).

(b) For VOC loading or unloading operations [facilities] in Victoria County [affected by §115.211(b) of this title and §115.212(b) of this title], the owner or operator [of any VOC loading or unloading facility] shall maintain the following information at the plant as defined by its TACB account number [facility] for at

least two years and shall make such information available upon request to representatives of the TACB, EPA, or any local air pollution control agency having jurisdiction in the area:

(1) a daily record of the total throughput of VOC loaded at the plant as defined by its Texas Air Control Board (TACB) account number [facility];

(2) for vapor recovery systems:

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

(C) continuous monitoring and recording of the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.10 of this title, to determine breakthrough; and

(D) (No change.)

(3) for gasoline terminals:

(A) a daily record of the number of transport [delivery] vessels loaded at the terminal and the quantity of gasoline loaded to each transport [delivery] vessel; and

(B) (No change.)

(4) (No change.)

(5) for VOC loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, a daily record of each transport vessel loaded or unloaded, including:

(A) the volume of VOC loaded to or unloaded from each transport vessel; and

(B) the vapor pressure of the VOC loaded to or unloaded from each transport vessel.

#### §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) Until May 31, 1995, all [Any facility for] loading and [or] unloading of volatile organic compounds (VOC) with a true vapor pressure less than 1.5 pounds per square inch absolute (psia) (10.3 kPa) under actual storage conditions is exempt from the requirements of §115.212(a) of this title (relating to Control Requirements) [this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds)].

(2) After May 31, 1995, all loading and unloading of VOC with a true vapor pressure less than 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title.

[(2)] Any facility, excluding gasoline bulk plants, 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 (relating to Loading and Unloading of Volatile Organic Compounds).]

(3) Until May 31, 1995, any plant, as defined by its Texas Air Control Board (TACB) account number, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title.

(4) After May 31, 1995, any plant, as defined by its TACB account number, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title.

(5)[(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(a)(1)(B) [§115.211(1)(B)] of this title (relating to Emission Specifications).

(6) [(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(a)(1)(B) [§115.211(1)(B)] of this title.

(7)[(5)] All loading and unloading of [facilities for crude oil and condensate, for] ships and barges, and all loading and unloading of [for] liquefied petroleum gas only (regulated by the Safety Rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) is [are] exempt from the requirements of §115.212(a) of this title (relating to Control Requirements).

(8) Until May 31, 1995, all loading and unloading of crude oil and condensate is exempt from the requirements of §115.212(a) of this title (relating to Control Requirements).

(9)[(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(a)(2) of this title, §115.212(a)(9) [§115.212(a)(5)] of this title [(relating to Control Requirements)], and §115.216(a)(4) of this title (relating to Monitoring and Recordkeeping Requirements).

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

(1) Until May 31, 1995, all [Any facility for] loading and [or] unloading of volatile organic compounds (VOC) with a true vapor pressure less than 1.5 psia (10.3 kPa) under actual storage conditions is exempt from the requirements of §115.212(b) of this title [this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds)].

(2) After May 31, 1995, all loading and unloading of VOC with a true vapor pressure less than 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(b) of this title.

[(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 (relating to Loading and Unloading of Volatile Organic Compounds).]

(3) Until May 31, 1995, any plant, as defined by its TACB account number, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(b) of this title.

(4) After May 31, 1995, any plant, as defined by its TACB account number, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(b) of this title.

(5)[(3)] All loading and unloading of [facilities for] crude oil and condensate, all loading and unloading of [for] ships and barges, and all loading and unloading of [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) Until May 31, 1995, all [Any facility for] loading and [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 §115.212(c) of this title [this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds)].

(2) After May 31, 1995, all loading and unloading of VOC with a true vapor pressure less than 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(c) of this title.

[(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 (relating to Loading and Unloading of Volatile Organic Compounds).]

(3) Until May 31, 1995, any plant, as defined by its TACB account number, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(c) of this title.

(4) After May 31, 1995, any plant, as defined by its TACB account number, having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(c) of this title.

(5) [(3)] All loading and unloading of [facilities for] crude oil and condensate, all loading and unloading of [for] ships and barges, and all loading and unloading of [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(c) of this title.

*§115.219. Counties and Compliance Schedules.*

(a) 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)-(3) (No change.)

(4) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.212(a)(8) and (9) [§115.212(a)(4) and (5)] of this title, §115.214(a)(4) of this title, and §115.216(a)(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)(5) [§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)(6) [§115.217(a)(4)] of this title as soon as practicable, but no later than January 31, 1994.

(7) All affected persons shall be in compliance with §115.211(a)(1)(C) of this title; §115.212(a)(2) and (4) of this title; §115.214(a)(5) of this title; and §115.217(a)(2) and (4) of this title as soon as practicable, but no later than May 31, 1995.

(8) All loading and unloading of crude oil and condensate shall be in compliance with §115.211(a) of this title; §115.212(a) of this title; §115.213(a) of this title; §115.214(a) of this title; §115.215(a) of this title; §115.216(a) of this title; and §115.217(a) of this title as soon as practicable, but no later than May 31, 1995.

(9) All persons affected by the deletion of the allowance for nonvapor-tight conditions during sampling and gauging shall be in compliance as soon as practicable, but no later than May 31, 1994.

(10) All affected persons shall be in compliance with §115.216(a)(5) of this title as soon as practicable, but no later than May 31, 1994.

(b) All affected persons in Gregg, Nueces, and Victoria Counties shall be in compliance in accordance with the following schedules.

(1) All affected persons shall be in compliance with §115.211(b)(2) of this title; §115.212(b)(2) and (4) of this title; and §115.217(b)(2) and (4) of this title as soon as practicable, but no later than May 31, 1995.

(2) All affected persons shall be in compliance with §115.216(b)(5) of this title as soon as practicable, but no later than May 31, 1994.

(3) All persons affected by the deletion of the allowance for nonvapor-tight conditions during sampling and gauging shall be in compliance as soon as

practicable, but no later than May 31, 1994.

(b) All affected persons in Victoria County shall be in compliance with §115.216(b) of this title as soon as practicable, but no later than July 31, 1993.]

(c) All affected persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties shall be in compliance in accordance with the following schedules.

(1) All affected persons shall be in compliance with §115.212(c)(2) and (4) of this title as soon as practicable, but no later than May 31, 1995.

(2) All persons affected by the deletion of the allowance for nonvapor-tight conditions during sampling and gauging shall be in compliance as soon as practicable, but no later than May 31, 1994.

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 July 5, 1993.

TRD-9325254

Lane Hartsock  
Deputy Director  
Texas Air Control Board

Proposed date of adoption: November 12, 1993

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

## Subchapter C. Volatile Organic Compound Marketing Operations

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

#### • 31 TAC §§115.222, 115.226, 115.227, 115.229

The Texas Air Control Board (TACB) proposes amendments to §§115.222, 115.226, 115.227, and 115.229, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in order to bring the existing Stage I requirements into alignment with the Stage II vapor recovery requirements and to improve enforceability. The affected ozone nonattainment counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller counties. In concurrent action, the TACB is amending §§115.242-115.249, concerning Stage II Vapor Recovery, for all 16 ozone nonattainment counties to clarify and improve enforceability of existing Stage II requirements and update the California Air Resources Board (CARB) certification date. The TACB also proposes to

change the title of Subchapter C from Volatile Organic Compound Marketing Operations to Volatile Organic Compound Transfer Operations to more accurately reflect the content of this subchapter.

The proposed changes to §115.222, concerning Control Requirements, add a requirement that the path through a submerged fill pipe to the bottom of a storage tank shall not be obstructed by a screen, grate, or similar device, in order to facilitate an inspector's determination of whether or not the fill pipe extends to no more than six inches from the bottom of the tank; revise the requirements for gasoline storage tank vents at facilities equipped with Stage II vapor recovery systems for consistency with the requirements of CARB Executive Orders for Stage II systems; require that the delivery vessel be kept vapor-tight at all times until the captured vapors are discharged to a vapor recovery system, if the delivery vessel is refilled, degassed, or cleaned in an ozone nonattainment county; require the use of non-coaxial Stage I connections at tanks installed or modified after November 15, 1993; add a 90-day compliance schedule for facilities which exceed the gasoline exemption throughput limits; and add the availability of an exemption for throughput exceedances associated with natural disasters or emergency conditions.

The proposed changes to §115.226, concerning Recordkeeping Requirements, add a requirement that copies of monthly gasoline throughput records for each calendar month since January 1, 1991, be kept at the facility site until the facility installs a Stage II gasoline vapor recovery system, and extend the period for retention of records from one year to two years.

The proposed changes to §115.227, concerning Exemptions, eliminate the exemption from Stage I requirements for facilities which dispense less than 120,000 gallons of gasoline per year and for which construction began after November 15, 1992. This change is necessary because these facilities are required to comply with Stage II vapor recovery requirements regardless of gasoline throughput, and compliance with Stage I is critical to the successful operation of Stage II. The proposed changes to §115.227 also expand the exemption from Stage I requirements to include containers used exclusively for the fueling of aircraft or marine vessels.

The proposed changes to §115.229, concerning Counties and Compliance Schedules, specify that facilities in Chambers, Collin, Denton, Fort Bend, Hardin, Jefferson, Liberty, Montgomery, Orange, and Waller counties must comply with Stage I no later than the installation of a Stage II vapor recovery system, or January 31, 1994, whichever occurs first. The proposed changes to §115.229 also require facilities for which construction began prior to November 15, 1992, and which have dispensed more than 10,000 gallons of gasoline in any calendar month after January 1, 1991, but less than 120,000 gallons of gasoline per year, to comply with Stage I no later than the installation of a Stage II vapor recovery system or January 31, 1994, whichever occurs first.

Lane Hartsock, Deputy Director of Air Quality Planning, has determined that for each year of the first five-year period the proposed sections are in effect, there would be no fiscal implications for state and local governments.

Mr. Hartsock also has determined that for the first five-year period the proposed sections are in effect, the public benefit anticipated as a result of implementing the sections will be elimination of inconsistencies between the existing Stage I and Stage II vapor recovery requirements, improved enforceability, and reduced public exposure to benzene and other air toxics.

Economic costs to small businesses, persons, and businesses required to implement the proposed measures are associated with leak testing, abatement, and recordkeeping requirements associated with the addition of Stage I in conjunction with previously-required Stage II and are estimated as follows: Per Tank-Truck-\$1,000 in 1994, \$1,000 in 1995, \$1,000 in 1996, and \$1,000 in 1997; and Per Storage Tank-\$2,500 in 1994.

Any costs continuing beyond 1997 would be related to operating, maintenance, and recordkeeping requirements. All estimates are stated in 1993 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1993-1997.

Public hearings on this proposal are scheduled for the following times and places: August 4, 1993, 6:30 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; August 5, 1993, 6:30 p.m., Houston-Galveston Area Council, Second Floor, Conference Room A, 3555 Timmons Lane, Houston, August 5, 1993, 2:30 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington, and August 6, 1993, 11:30 a.m., John Gray Institute, 855 Florida Avenue, Beaumont.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings must be submitted to the TACB Central Office in Austin no later than August 13, 1993. Material received by the Regulation Development Division by 4:00 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all the TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon