

Texas Register

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Page 9868-9959

In This Issue...

Emergency Sections

General Services Commission

Central Purchasing Division
1 TAC §113.19..... 9880

Banking Department of Texas

Prepaid Funeral Contracts
7 TAC §25.23, §25.24..... 9880

Proposed Sections

Texas Department of Agriculture

Quarantines
4 TAC §5.152, §5.153..... 9881

Banking Department of Texas

Prepaid Funeral Contracts
7 TAC §25.2..... 9881
7 TAC §25.11..... 9883
7 TAC §25.12..... 9884
7 TAC §25.14..... 9885
7 TAC §25.23, §25.24..... 9885

Procedure for Hearings

7 TAC §33.32..... 9889

Texas Optometry Board

General Rules
22 TAC §273.5, §273.6..... 9890

Texas Natural Resource Conservation Commission

General Rules
30 TAC §101.1..... 9890

Control of Air Pollution from Motor Vehicles
30 TAC §114.25..... 9891

Control of Air Pollution from Volatile Organic Compounds

30 TAC §115.10..... 9904
30 TAC §115.132, §115.139..... 9905
30 TAC §§115.152, 115.153, 115.156, 115.157, 115.159..
9906
30 TAC §§115.211-115.217, 115.219..... 9907
30 TAC §§115.352-115.357, 115.359..... 9913
30 TAC §§115.412, 115.415-115.417, 115.419..... 9914
30 TAC §115.432..... 9916
30 TAC §115.532..... 9916
30 TAC §§115.541-115.547, 115.549..... 9917
30 TAC §§115.552, 115.553, 115.555-115.557, 115.559..
9919

CONTENTS CONTINUED INSIDE



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a result of implementing the sections will be satisfaction of FCAA Amendments and EPA requirements, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard. There are no fiscal implications for persons or small businesses affected by the proposed amendments.

Public hearings on this proposal will be held at the following times and places: January 24, 1994, 7:00 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, Texas; and January 26, 1994, 6:00 p.m., City of El Paso, Council Chambers, 801 West Irving Boulevard, 2 Civic Center Plaza, El Paso, Texas.

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 TNRCC, Office of Air Quality, Regulation Development Section, P.O. Box 13087, Austin, Texas 78711-3087, no later than February 11, 1994. Material received by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Section of the TNRCC Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, Texas 78753, and at all TNRCC Air Program regional offices. For further information, contact Jose T. Cavazos at (512) 908-1517.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

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

§115.152. Control Requirements.

(a) For the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment area as defined in §115.10 of this title (relating to Definitions), no person shall operate or allow the operation of a municipal solid waste landfill (MSWLF) unless each owner or operator of a MSWLF calculates the volatile organic compounds (VOC) emission rate for the landfill using the procedures provided in §60.753 of the proposed federal rules published in the May 30, 1991, *Federal Register* (58 FR 104). The VOC emission rate shall be recalculated annually. If at any time, the calculated VOC emission rate exceeds 150 Megagrams (Mg) per year, the owner or operator shall:

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

§115.153. *Alternate Control Requirements.* For all persons in the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment area, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.156. *Monitoring and Recordkeeping Requirements.* For the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment area, the following recordkeeping requirements shall apply

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

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

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

§115.159. *Counties and Compliance Schedule.* All affected MSWLFs in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, 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 December 17, 1993.

TRD-9333819

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: May 15, 1994

For further information, please call (512) 463-8159

◆ ◆ ◆ Subchapter C. Volatile Organic Compound Transfer Operations

Loading and Unloading of Volatile Organic Compounds

• 30 TAC §§115.211-115.217, 115.219

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.211-115.217, and 115.219, concerning Loading and Unloading of Volatile

Organic Compounds. The proposed changes have been developed in response to a requirement by the U.S. 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). The ROP SIP is required to achieve and maintain a volatile organic compound (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 amendment to §115.211, concerning Emission Specifications, establishes an emission limitation of 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons of gasoline transferred or 95% control efficiency to marine terminals in Houston/Galveston, and deletes obsolete language. The proposed amendment to §115.212, concerning Control Requirements, extends the applicability of control requirements to include marine vessels and marine terminals in Houston/Galveston, which specifies a minimum vapor recovery system control efficiency of 90% and requires marine vessels to be certified leak free before VOC transfer can occur. Provisions for vacuum assisted loading and automatic shutoff in the event of a control device malfunction at gasoline terminals in Dallas/Fort Worth, El Paso, and Houston/Galveston have also been added to §115.212, and obsolete language has been deleted.

The proposed amendment to §115.213, concerning Alternate Control Requirements, deletes obsolete language.

The proposed amendment to §115.214, concerning Inspection Requirements, adds inspection requirements for marine vessels in Houston/Galveston, adds fugitive monitoring requirements at gasoline terminals in Dallas/Fort Worth, El Paso, and Houston/Galveston, and deletes an obsolete paragraph. The proposed amendment to §115.215, concerning Approved Test Methods, updates the test methods for determining true vapor pressurization in cargo tanks.

The proposed amendment to §115.216, concerning Monitoring and Recordkeeping Requirements, adds inspection requirements for marine terminals and adds recordkeeping requirements for VOC loading operations at marine terminals and gasoline terminals.

The proposed amendment to §115.217, concerning Exemptions, establishes the exemptions for marine terminals, clarify current exemptions, and deletes obsolete language.

The proposed amendment to §115.219, concerning Counties and Compliance Schedules, specifies the applicable counties and the compliance dates for the new requirements, and deletes obsolete language.

The proposed amendments are part of the Phase II rules in a series of proposed revisions.

sions to Chapter 115 (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. 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 decisionmaking 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.

Texas is submitting rules to meet the ROP reduction in two phases. Phase I rules comprised a significant portion of the required reductions and were submitted by the original deadline of November 15, 1993. Phase II consists 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.

Stephen Minick, budget and planning division, has determined that for each year of the first five-year period the proposed sections are in effect, the annual cost to state and local governments are estimated at \$30,000 which would primarily be the result of hiring additional personnel to inspect and monitor these new requirements. 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. Some of the marine terminals already meet the 10.8 milligrams/liter emission limitation recommended in this proposed revision. According to industry representatives, the cost may be as high as \$8 million. The anticipated economic cost for the gasoline terminals to comply with the new requirements as proposed is a one time capital cost for a vacuum assisted vapor recovery system (\$100,000-\$200,000). Fugitive monitoring and recordkeeping would be approximately \$10,000 per year. 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.

Mr Minick also has determined that for each year of the first five-year period the proposed sections are in effect, the public benefit anticipated as a result of implementing the sections 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.

Public hearings on this proposal are scheduled for the following times and places: January 24, 1994, 7:00 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, Texas; January 26, 1994, 6:00 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, Texas; and January 27, 1994, 7:00 p.m., Irving Central Library, 801 West Irving Boulevard, Irving, Texas.

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 TNRCC, Office of Air Quality, Regulation Development Section, P.O. Box 13087, Austin, Texas 78711-3087, no later than February 11, 1994. Material received by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Section of the TNRCC Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, Texas 78753, and at all TNRCC Air Program regional offices. For further information, contact Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC 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, as defined in §115.10 of this title, are as follows.

[(A) Until January 31, 1994 in Brazoria, El Paso, Galveston, Jefferson, and Orange counties, volatile organic compound (VOC) emissions from gasoline terminals shall be reduced to a level not to exceed 0.67 pound of VOC from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred.]

(A)[(B)] In Dallas, Harris, and Tarrant counties, and after January 31, 1994, in ozone nonattainment counties other than Dallas, Harris, and Tarrant,] volatile

organic compounds emissions 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.

(B)[(C)] After November 15, 1996, 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] 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.

(3) After November 15, 1996, in the Beaumont/Port Arthur and Houston/Galveston areas, VOC vapors from marine terminals, as defined in §115.10 of this title, 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 mg/liter) of product loaded into the marine vessel or maintain a overall process control efficiency of at least 95%.

(b) (No change.)

§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)-(4) (No change.)

(5) All land-based loading and unloading of VOC shall be conducted such that.

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

(6)-(7) (No change.)

(8) [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] 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)-(C) (No change.)

(9) [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] No person shall permit the transfer of gasoline from a gasoline bulk plant into a transport vessel, unless the following requirements are met:

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

(10) For marine terminals in the Houston/Galveston area.

(A) Control device(s) shall reduce VOC emissions by at least 95% by weight from uncontrolled conditions or to 10 mg/liter of product loaded.

(B) Only certified leak-free marine vessels shall be used for loading operations.

(C) All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.

(11) For gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston Areas.

(A) Each vapor recovery device serving a loading rack shall be upgraded to include a vacuum-assisted vapor collection system followed by a vapor combustion system, a regenerative carbon adsorption system, a pressure swing adsorption system, or a refrigeration system. For the purposes of this paragraph, a vacuum-assisted vapor collection system is defined as a blower system which produces a vacuum at the transport vessel to prevent fugitive emissions during loading operations.

(B) Each vapor control device shall be instrumented in such a way that the pump(s) transferring fuel to the transport vessels will not operate unless the vapor control device is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor control device serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(12)[(10)] Any loading or unloading operation that becomes subject to the provisions 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 unless and until emissions are reduced to at or below the controlled emissions level existing prior to implementation of the project by which throughput or emission rate was reduced; [the modification] and

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

(b) (No change.)

(c) For all persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda,

[Montgomery,] San Patricio, and Travis counties, the following requirements shall apply.

(1)-(5) (No change.)

§115.213. Alternate Control Requirements.

(a)-(b) (No change.)

(c) For all persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda, [Montgomery,] San Patricio, and Travis counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§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 land-based volatile organic compounds (VOCs) transfer operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation or the owner or operator of the transport vessel.

(2) Land-based VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(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 (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.)

(3)[(4)] After January 31, 1994, in ozone nonattainment counties other than Dallas, El Paso, Harris, and Tarrant, gasoline] Gasoline tank-truck tanks being loaded shall [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 Texas Department of Transportation certification plate.

(4)[(5)] After November 15,

1996, 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 shall [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 Texas Department of Transportation certification plate.

(5) For marine terminals in the Houston/Galveston area.

(A) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from VOC transfer operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation or the owner or operator of the marine vessel.

(B) If a liquid leak is detected during the loading operations and can not be repaired immediately (for example, by tightening a bolt or packing gland), then the transfer operation shall cease until the leak is repaired.

(C) If a vapor leak is detected by sight, sound or smell, then a "first attempt" shall be made to repair the leak. Cargo loading operations need not be ceased if the first attempt to repair the leak, as defined by §115.10 of this title (relating to Definitions), to less than 10,000 parts per million by volume (ppmv) or 20% of the lower explosive limit (LEL) is not successful provided that the first attempt effort is documented by the owner or operator of the marine vessel and a copy of the repair log made available to a representative of the marine loading facility. No additional loadings shall be made into the cargo tank until a successful repair has been completed and certified by a 40 Code of Federal Regulations (CFR), §61.304(f) or equivalent inspection.

(D) The intentional bypassing of a vapor control device during marine loading operations is prohibited.

(E) All shore-based equipment is subject to the fugitive emissions monitoring requirements of §§115.352-115.359 of this title (relating to Fugitive Emission Control in Petroleum Refining and Petrochemical Processes).

(6) Each gasoline terminal, as defined in §115.10 of this title, in the Dallas/Fort Worth, El Paso, and Houston/Galveston Areas is subject to the fugitive emissions monitoring requirements of §§115.352-115.359 of this title.

(b) (No change.)

§115.215. *Approved Test Methods.*

(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 American Society for Testing and Materials (ASTM) Test Methods D32389, D2879, D4953, D5190, or D5191 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with the American Petroleum Institute (API) Publication 2517, Third Edition, 1989; [or]

(8) 40 CFR, §61.304(f) for determination of cargo tank pressurization; or

(9)[(8)] minor modifications to these test methods approved by the Executive Director.

(b) (No change.)

§115.216. *Monitoring and Recordkeeping Requirements.*

(a) For volatile organic compound (VOC) loading or unloading operations in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211(a) and §115.212(a) of this title (relating to Emission Specifications and Control Requirements), the owner or operator shall maintain the following information at the plant as defined by its Texas Natural Resource Conservation Commission (TNRCC) air quality account number for at least two years, and shall make such information available upon request to representatives of the TNRCC, U.S. Environmental Protection Agency (EPA), or any 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 ozone nonattainment counties other than Dallas, El Paso, Harris, and Tarrant]:

(A)-(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) (4) [§115.214(a)(5)] of this title;

(B)-(C) (No change.)

(6) For marine terminals in the Houston/Galveston area:

(A) a daily record of all marine vessels loaded at the affected terminal, including:

(i) the name, registry of the marine vessel, and the legal owner or operator of the marine vessel;

(ii) the chemical name and amount of VOC cargo loaded; and

(iii) the conditions of the tanks prior to being loaded (i. e., cleaned, crude oil washed, gas freed, etc.) and the prior cargo carried by the marine vessel.

(B) all marine vessel loading operations conducted with a VOC which has a vapor pressure equal to or greater than 0.5 psia under actual storage conditions must certify on an annual basis that the marine vessel has passed a vapor tightness test as required by §115.215(a)(8) of this title (relating to Approved Test Methods). A copy of each marine vessel's certification shall be kept on file by the marine terminal for a minimum of two years.

(C) a copy of a marine vessel's first attempt repair log shall be maintained on file by the marine terminal for a minimum of two years.

(7) For gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston Areas.

(A) Records of the results of the required fugitive monitoring and maintenance program shall include appropriate dates, test methods, instrument readings, repair results, and corrective action taken. Records of flange inspections are not required unless a leak is detected.

(B) A monthly emissions record shall be maintained which describes calculated emissions of VOC from all storage tanks and loading operations.

The record shall include tank or loading point identification number, control method used, tank or vessel capacity in gallons, name of material stored or loaded, VOC molecular weight, VOC monthly average temperature in degrees Fahrenheit, VOC vapor pressure at the monthly average material temperature in psia, VOC throughput for the previous month and year-to-date in gallons, and total tons of emissions including all emission sources including control devices for the previous month and year-to-date.

(C) Records of transport vessel loadings, vapor control system performance testing, and tank truck leak testing shall be maintained on-site. The records shall include the date of tank truck loading, time of transport vessel loading, the cumulative gallons of gasoline loaded to date, dates of vapor control unit testing with test results, and dates of tank truck leak-tight testing with test results.

(D) All records shall be maintained at the plant site for at least two years and shall be made available upon request to representatives of the TNRCC, EPA, or any local air pollution control agency having jurisdiction.

(8) [(6)] Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(a) of this title.

(b) (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)-(2) (No change.)

(3) Until November 15, 1996, any plant, as defined by its Texas Natural Resource Conservation Commission (TNRCC) air quality account number, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) [throughput] of VOC loaded 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. The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(a)(2) of this title (as in effect October 16, 1992) from the control requirements of this undesignated head, and which does not otherwise qualify for exemption under this paragraph, shall:

(A) (No change.)

(B) qualify for the exemption under paragraph (8)[(10)] of this section; or

(C) apply for the exemption under paragraph (9)[(11)] of this section no later than September 15, 1994.

(4) After November 15, 1996, any plant, as defined by its TNRCC air quality account number, excluding gasoline bulk plants, having less than 20,000 gallons (75.708 liters) [throughput] of VOC loaded 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) 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) of this title (relating to Emission Specifications.)

(6) 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) of this title.]

(5)[(7)] All loading and unloading of [marine vessels and all loading and unloading of] liquefied petroleum gas only (regulated by the Safety Rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) is exempt from the requirements of §115.212(a) of this title.

(6)[(8)] The following are exempt from the requirements of §115.212(a) of this title:

(A) All unloading of marine vessels; and

(B) Until November 15, 1996, all loading of marine vessels and all loading and unloading of crude oil and condensate [is exempt from the requirements of §115.212(a) of this title].

(7)[(9)] 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), 115.212(a)(9), and 115.216(a)(4) of this title (relating to Emission Specifications, Control Requirements, and Monitoring and Recordkeeping Requirements).

(8)[(10)] VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals are exempt from the control requirements of §115.212(a)(1) and (2) of this title if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 0.5 and 11 psia under actual storage conditions is at least 90%, and the following requirements are met.

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

(9)[(11)] The owner or operator of a VOC loading operation subject to the control requirements of §115.212(a)(1) or (2) of this title may request an exemption determination from the Executive Director if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 0.5 and 11 psia under actual storage conditions is at least 80%, and the following requirements are met.

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

(10) The following are exempt from the requirements of §115.211(a) and §115.212(a) of this title:

(A) marine terminals with uncontrolled VOC emissions less than 100 tons per year. Compliance with the exemption shall be demonstrated through the recordkeeping and reporting requirements of the annual emissions inventory submitted by the owner or operator of the marine terminal;

(B) all throughput of VOC with vapor pressure less than 0.5 psia loaded into marine vessels;

(C) marine loading operations which use a vapor balance system to control emissions from the marine vessel to fixed roof storage tank(s). For the purpose of this paragraph, vapor balance system is defined as a closed system that transfers vapor displaced by incoming cargo from the tank of a vessel receiving cargo into a tank of the vessel or facility delivering cargo via an arrangement of piping and hoses used to collect vapor emitted from a vessel's cargo tanks and transport the vapor to a vapor processing unit; and

(D) non-dedicated loading lines when commodities with a true vapor pressure less than 0.5 psia are trans-

ferred, provided that after transfer of VOC with a true vapor pressure greater than or equal to 0.5 psia these non-dedicated loading lines are cleaned, purged, and the residual vapors controlled of VOC with a true vapor pressure greater than or equal to 0.5 psia.

(11) Marine terminals are exempt from the control requirements of §115.211(a)(3) and §115.212(a)(A) of this title if the overall control of emissions at the marine terminal from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions into marine vessels is at least 90%, and the following requirements are met.

(A) The owner or operator of the marine terminal shall submit a control plan no later than March 31, 1995, to the TNRCC Austin Office (Office of Air Quality), the appropriate TNRCC Regional Office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the marine terminal from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions into marine vessels will be at least 90% by November 15, 1996. For each marine loading facility and any associated control device at the marine terminal, the control plan shall include the emission point number (EPN), the facility identification number (FIN), the calendar year 1994 throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage condition, a plot plan showing the location, EPN, and FIN of each marine loading facility and any associated control device, and the calendar year 1994 controlled and uncontrolled emission rates.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the marine terminal shall submit an annual report no later than March 31 of each year, starting in 1997, to the TNRCC Austin Office (Office of Air Quality), the appropriate TNRCC Regional Office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the marine terminal from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions into marine vessels during the preceding calendar year is at least 90% after November 15, 1996. For each marine loading facility and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between

0.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each marine loading facility and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

(C) The owner or operator of the marine terminal shall submit an updated report no later than 30 days after the installation of one or more additional marine loading facilities or any change in service of a marine loading facility from loading VOC with a true vapor pressure less than 0.5 psia to loading VOC with a true vapor pressure greater than or equal to 0.5 psia, or vice versa. The report shall be submitted to the TNRCC Austin Office (Office of Air Quality), the appropriate TNRCC Regional Office, and any local air pollution control program with jurisdiction and shall demonstrate that the overall control of emission at the marine terminal from the loading into marine vessels of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%.

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

(1) (No change.)

(2) Any plant, as defined by its TNRCC air quality account number, having less than 20,000 gallons (75.708 liters) [throughput] of VOC loaded 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. The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(b)(2) of this title (as in effect October 16, 1992) from the control requirements of this undesignated head, and which does not otherwise qualify for exemption under the paragraph, shall:

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

(3)-(5) (No change.)

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

(1) (No change.)

(2) Any plant, as defined by its TNRCC air quality account number, having less than 20,000 gallons (75.708 liters) [throughput] of VOC loaded 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. The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(c)(2) of this title (as in effect October 16, 1992) from the control requirement of this undesignated head, and which does not otherwise qualify for exemption under this paragraph, shall:

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

(3)-(5) (No change.)

§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) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller counties shall be in compliance with §115.211(a) 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(a) of this title (relating to Monitoring and 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(a)(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(a)(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)(8) and (9), 115.214(a)>(4), and 115.216(a)(4) of this title as soon as practicable, but no later than January 31, 1994.

[(5) All affected persons in Har-

ris County shall be in compliance with §115.217(a)(5) 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) of this title as soon as practicable, but no later than January 31, 1994.]

(1)[(7)] All affected persons shall be in compliance with §115.211(a)(1)(B) [§115.211(a)(1)(C)], §115.212(a)(2) and (4), §115.214(a)(4) [§115.214(a)(5)], and §115.217(a)(2) and (4) of this title (relating to Emission Specifications, Control Requirements, Inspection Requirements, Approved Test Methods, and Exemptions) as soon as practicable, but no later than November 15, 1996.

(2)[(8)] All loading and unloading of crude oil and condensate shall be in compliance with §§115.211(a), 115.212(a), 115.213(a), 115.214(a), 115.215(a), 115.216(a), and 115.217(a) of this title (relating to Emission Specifications, Control Requirements, Alternate Control Requirements, Inspection Requirements, Monitoring and Recordkeeping Requirements, Approved Test Methods, and Exemptions) as soon as practicable, but no later than November 15, 1996.

(3)[(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 November 15, 1996

(4)[(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.

(5) All affected marine terminals in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties shall be in compliance with §§115.211(a), 115.212(a), 115.213(a), 115.214(a), 115.215(a), 115.216(a), and 115.217(a) of this title as soon as practicable, but no later than November 15, 1996.

(6) All affected gasoline terminals in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller counties shall be in compliance with §§115.211(a)(11), 115.214(a) (6), and 115.216(a)(7) of this title as soon as practicable, but no later than November 15, 1996.

(b) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 17, 1993

Proposed date of adoption: May 15, 1994

For further information, please call: (512)
463-8159

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Subchapter D. Petroleum Re- fining and Petrochemical Processes

Fugitive Emission Control in Petroleum Refining and Petrochemical Processes

• 30 TAC §§115.352-115.357, 115.359

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.352-115.357, and 115.359, concerning Fugitive Emission Control in Petroleum Refining and Petrochemical Processes. The proposed amendments 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 (CAA) for states to develop and adopt the Rate-of-Progress (ROP) State Implementation Plan (SIP).

The ROP SIP is required to achieve and maintain a volatile organic compound (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 will extend the fugitive control requirements, recently adopted at the November 10, 1993, TNRCC meeting for the Houston/Galveston, Beaumont/Port Arthur, and El Paso ozone nonattainment areas, to the Dallas/Fort Worth area.

The amendments also revise the recently adopted exemptions concerning leakless valves. The current rule potentially exempts leakless valves from all control requirements because there is no approved method for establishing what is leakless. This was clearly not the intent of the staff. However, there are situations when valves which are rated much higher than normal operating pressures are used at the end of a pipe or line and affected sources would be required to add a second valve, blind flange, or a plug. In these circumstances, this additional control would be extremely costly while achieving virtually no benefit. To address this situation, an exemption has been added for valves which are rated at greater than 10,000 pounds per square inch gauge (psig).

The proposed §115.352, concerning Control Requirements, §115.353, concerning Alter-

nate Control Requirements, §115.354, concerning Inspection Requirements, §115.355, concerning Testing Requirements, §115.356, concerning Recordkeeping Requirements, §115.357, concerning Exemptions, and §115.359, concerning Counties and Compliance Schedules, standardize the requirements for fugitive monitoring programs for petroleum refineries; synthetic organic chemical, polymer, resin, and methyl tert-butyl ether (MTBE) manufacturing processes; and natural gas/gasoline processing operations and apply a more stringent level of control to all of these industries.

The existing sections regarding fugitive emission controls will be repealed in the four nonattainment areas after the compliance date of these proposed sections. This will not affect the existing sections in Gregg, Nueces, or Victoria Counties. The existing sections scheduled for future repeal include §§115.322(a), 115.323(a), 115.324(a), 115.325(a), 115.326(a), and 115.327(a) concerning Fugitive Emissions Control in Petroleum Refineries, §§115.332-115.339, concerning Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes, and §§115.342-115.349, concerning Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.

The proposed amendments are part of a series of proposed revisions to Chapter 115 (concerning Control of Air Pollution From Volatile Organic Compounds) and the SIP to provide the required ROP reductions in the ozone nonattainment areas as mandated by the 1990 CAA Amendments. Since this is an interim step in attaining the ozone standard, only those controls needed to satisfy the requirement will be adopted. 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.

Texas is submitting rules to meet the ROP reduction in two phases. Phase I rules comprised a significant portion of the required reductions and were submitted by the original deadline of November 15, 1993. Phase II consists 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.

Steve Minick, budget and planning division, has determined that for each year of the first five-year period the proposed sections are in effect, there will be no fiscal implications for state and local governments. Economic costs to small businesses, individuals, and businesses required to implement the proposed measures are associated with the expanded monitoring, and recordkeeping requirements: Cost Per Affected Component for each Required Monitoring Action in 1994

will be -0- and \$1.00 for fiscal years 1995-1998.

Any costs continuing beyond 1998 would be operating, maintenance, and recordkeeping requirements. All estimates are stated in 1994 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1994-1998.

Mr. Minick 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 satisfaction of CAA Amendments and EPA requirements, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard.

A public hearing on this proposal is scheduled for: January 27, 1994 at 7:00 p.m. at the Irving Central Library, 801 West Irving Boulevard, Irving, Texas.

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 hearing. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearing must be submitted to the TNRCC, Office of Air Quality, Regulation Development Section, P.O. Box 13087, Austin, Texas 78711-3087, no later than February 11, 1994. Material received by the Regulation Development Section by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Section of the TNRCC Air Quality Planning Division located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, Texas 78753, and at all TNRCC regional offices. For further information, contact Chuck Mueller at (512) 239-1916.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

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

§115.352. Control Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), no person shall operate a petroleum refinery; a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether manufacturing process; or a natural gas/gasoline processing operation as defined in §115.10 of this title, without complying with the following requirements.

(1)-(9) (No change.)