

# Texas Register

Volume 18, Number 96, December 24, 1993

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



The Texas Register is printed on recycled paper

Proposed date of adoption: May 15, 1994

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

◆        ◆        ◆

## 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.)

**§115.353. Alternate Control Requirements.** For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any 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.

**§115.354. Inspection Requirements.** All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall conduct a monitoring program consistent with the following provisions.

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

**§115.355. Approved Test Methods.** For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with this undesignated head (relating to Fugitive Emission Control in Petroleum Refining and Petrochemical Processes) shall be determined by applying the following test methods, as appropriate:

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

**§115.356. Monitoring and Recordkeeping Requirements.** All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, shall have the following recordkeeping requirements:

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

**§115.357. Exemptions.** For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

(1) (No change.)

(2) [Sealless/leakless valves (including, but not limited to, bellows and diaphragm valves), storage] Storage tank valves, pressure relief valves equipped with a rupture disc or venting to a control device, components in continuous vacuum service, and valves that are not externally regulated (such as in-line check valves) are exempt from the requirements of this undesignated head.

(3)-(8) (No change.)

(9) Valves rated greater than 10,000 pounds per square inch gauge (psig) are exempt from the requirements of §115.352(a)(4) of this title (relating to

Control Requirements).

**§115.359. Counties and Compliance Schedules.** All affected persons in Brazoria, Chambers, Collin, El Paso, Dallas, Denton, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.352 of this title (relating to Control Requirements), §115.353 of this title (relating to Alternate Control Requirements), §115.354 of this title (relating to Inspection Requirements), §115.355 of this title (relating to Testing Requirements), §115.356 of this title (relating to Monitoring and Recordkeeping Requirements), and §115.357 of this title (relating to Exemptions) as soon as practicable, but no later than November 15, 1996.

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-9333821

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 E. Solvent-Using  
Processes  
Degreasing and Clean-up  
Using Processes**

• **30 TAC §§115.412,  
115.415-115.417, 115.419**

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.412, 115.415-115.417, and 115.419, concerning Degreasing Processes. 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). 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 ozone nonattainment counties affected by this proposal are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller.

The proposed changes to §115.412, concerning Control Requirements, add a limitation on acetone usage at cultured (synthetic) marble and fiber reinforced plastic (FRP) operations

and specify acceptable acetone substitutes. The proposed changes to §115.415, concerning Testing Requirements, update the test methods for determining true vapor pressure. The proposed changes to §115.416, concerning Recordkeeping Requirements, add recordkeeping requirements for cultured marble and FRP facilities affected by §115.412(a)(4) and §115.417(a)(3). The proposed changes to §115.417, concerning Exemptions, specify an exemption for small users of polyester resin and delete an obsolete paragraph. The proposed changes to §115.419, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance date for the new requirements, and remove obsolete paragraphs. The TNRCC also proposes to change the title of the undesignated head from Degreasing Processes to Degreasing and Clean-up Processes to reflect the content of the proposed amendments.

The proposed amendments are part of the Phase II rules in a series of proposed revisions to Chapter 115 (concerning Control of Air Pollution From VOC) 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 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.

Stephen Minick, budget and planning division, 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. There are also no fiscal implications for small businesses, individuals, and businesses required to implement the proposed measures.

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

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