

TEXAS REGISTER

IN THIS ISSUE

Volume 20, Number 67 September 5, 1995

Page 6863-6963

Office of the Attorney General

Letter Opinions

(LO95-46)(ID#-34680)	6873
(LO95-47)(ID#-34818)	6873
(LO95-48)(ID#-33904)	6873

Opinions

(DM-359)(RQ-787)	6873
(DM-361)(RQ-747)	6873

Proposed Sections

Texas Department of Agriculture

Marketing and Development Division

4 TAC §§17.70-17.74	6875
---------------------------	------

Seed Division

4 TAC §19.3	6876
-------------------	------

Railroad Commission of Texas

Oil and Gas Division

16 TAC §3.10	6877
16 TAC §3.21	6877

State Board of Examiners for Speech-Language Pathology Audiology

Speech-Language Pathologists and Audiologists

22 TAC §741.65, §741.67	6879
22 TAC §741.85	6881
22 TAC §741.103	6883
22 TAC §741.181	6886
22 TAC §741.200	6887

TAC Titles Affected.....6957-6963

Contents Continued Inside



The Texas Register is printed on recycled paper

**Interagency Council on Early
Childhood Intervention Services**

Early Childhood Intervention
25 TAC §621.83 6887

**Texas Natural Resource
Conservation Commission**

General Rules
30 TAC §101.1 6888

**Control of Air Pollution From Volatile Organic
Compounds**

30 TAC §115.10 6889
30 TAC §§115.112, 115.114, 115.116, 115.117..... 6891
30 TAC §§115.121-115.123, 115.126, 115.127,
115.129..... 6894
30 TAC §115.212, §115.219 6898
30 TAC §§115.412, 115.413, 115.416, 115.417,
115.419..... 6899
30 TAC §§115.421-115.423, 115.425-115.427,
115.429..... 6901
30 TAC §§115.433, 115.435-115.437, 115.439..... 6905
30 TAC §§115.442, 115.443, 115.445, 115.446..... 6906
30 TAC §§115.512, 115.513, 115.517 6907
30 TAC §§115.541-115.543, 115.546, 115.547,
115.549..... 6908
30 TAC §115.950 6910

**Control of Air Pollution by Permits for New
Construction or Modification**

30 TAC §116.150 6910

**Control of Air Pollution from Nitrogen Com-
pounds**

30 TAC §117.451 6913
30 TAC §§117.510, 117.520, 117.530 6913
30 TAC §117.601 6914

General Land Office

Executive Administration

31 TAC §1.3 6915

Hearing Procedures

31 TAC §17.7 6918

School Land Board

Land Resources

31 TAC §155.1 6920
31 TAC §155.3 6921
31 TAC §155.15 6924

**Withdrawn Sections
School Land Board**

Land Resources
31 TAC §155.3 6929

Adopted Sections

Railroad Commission of Texas

Oil and Gas Division
16 TAC §3.14 6931

**Employees Retirement System of
Texas**

Deferred Compensation
34 TAC §87.7, §87.21 6932

Texas Youth Commission

Contracted Youth Services
37 TAC §83.45 6932

Tables and Graphics Sections

Tables and Graphics 6933

Open Meetings Sections

Texas Department of Agriculture 6939
Texas Commission on the Arts 6939
State Bar of Texas 6939
Texas Boll Weevil Eradication Foundation 6939
Texas Board of Chiropractic Examiners 6940
Texas Department of Criminal Justice 6940
Texas Commission for the Deaf and Hearing Im-
paired 6941
Texas Education Agency 6941
State Committee of Examiners in the Fitting and Dispens-
ing of Hearing Instruments 6942
Texas Department of Insurance 6943
Lamar University System 6943
Texas Natural Resource Conservation Commission... 6943
Board of Nurse Examiners 6943
Texas Board of Pharmacy 6944
Public Utility Commission of Texas 6944
Texas County and District Retirement System..... 6944
Texas Municipal Retirement System 6945
Teacher Retirement System of Texas 6945
The Texas A&M University System, Board of Re-
gents..... 6945
Texas Workforce Commission 6945
Regional Meetings..... 6945

In Addition Sections

Texas Commission on Alcohol and Drug Abuse

Notice of Request for Proposals 6947

State Auditor's Office

Consultant Proposal Request 6948

Office of Consumer Credit Commissioner

Notice of Rate Ceilings 6949

Texas Department of Health

Notice of Intent to Revoke Radioactive Material Licenses 6949

Texas Department of Human Services

Public Notice of Open Solicitation of LaSalle County 6949

Texas Department of Insurance

Company License 6949

Notice of Public Hearing 6950

Third Party Administrator Applications 6950

Texas Department of Mental Health and Mental Retardation

Notice of Cancellation of Public Hearing 6950

Notice of Public Hearing on Medicaid Rate 6951

Texas Natural Resource Conservation Commission

Notice of Availability and Request for Comments 6951

Notice of Petition to the EPA 6951

Notices of Public Hearing 6952

Public Utility Commission of Texas

Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27 6954

The University of Texas System

Consultant Proposal Requests 6954

one above the other, containing an enclosed space between them. An external floating roof storage tank which is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) shall be considered to be an internal floating roof storage tank only for the inspection requirements of this chapter (relating to Control of Air Pollution from Volatile Organic Compounds).

Gasoline bulk plant—A gasoline loading and/or unloading facility, excluding marine terminals, having a gasoline throughput less than 20,000 gallons (75,708 liters) per day, averaged over any consecutive 30-day period. A motor vehicle fuel dispensing facility is not a gasoline bulk plant.

Gasoline terminal—A gasoline loading and/or unloading facility, excluding marine terminals, having a gasoline throughput equal to or greater than 20,000 gallons (75,708 liters) per day, averaged over any consecutive 30-day period.

High-bake coatings—Coatings designed to cure at temperatures above 194 degrees Fahrenheit.

Internal floating cover—A cover or floating roof in a fixed roof tank which rests upon or is floated upon the liquid being contained, and is equipped with a closure seal or seals to close the space between the cover edge and tank shell. An external floating roof storage tank which is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) shall be considered to be an internal floating roof storage tank only for the inspection requirements of this chapter (relating to Control of Air Pollution from Volatile Organic Compounds).

Low-bake coatings—Coatings designed to cure at temperatures of 194 degrees Fahrenheit or less.

Mechanical shoe seal—A metal sheet which is held vertically against the storage tank wall by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) which is impervious to volatile organic compounds spans the annular space between the metal sheet and the floating roof.

Open-top vapor degreasing—The batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapors on the colder metal parts.

[Specified solvent-using processes—

[(A) Cold solvent cleaning—The batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing, and/or immersion while maintaining the solvent below its boiling point. Wipe cleaning (hand cleaning) is not included in this definition.

[(B) Open-top vapor degreasing—The batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapors on the colder metal parts.

[(C) ConveyORIZED degreasing—The continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvent.]

Vehicle refinishing (body shops)—The repair and recoating of vehicles, including, but not limited to, motorcycles, passenger cars, vans, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses, and other vehicle body parts, bodies, and cabs by an operation other than the original manufacturer. The repair and recoating of trailers and construction equipment is not included.

Volatile organic compound—Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22) [(CFC-22)], trifluoromethane (HFC-23) [(FC-23)], 1,1,2-trichloro-1,2,2-trifluoroethane [1,1,1-trichloro-2,2,2-trifluoroethane] (CFC-113), 1,2-dichloro-1,1,2, 2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1, 1-trifluoro-2,2-dichloroethane (HCFC-123), 2-chloro-1,1,1, 2-tetrafluoroethane [1,1,1,2-tetrafluoroethane] (HFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1, 2-tetrafluoroethane (HFC-134a), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1, 1-difluoroethane (HFC-152a), parachlorobenzotrifluoride (PCBTF-), cyclic, branched, or linear completely methylated siloxanes, acetone, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

(A)-(D) (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 August 30, 1995.

TRD-9510946

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call (512) 239-1970

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

- 30 TAC §§115.112, 115.114, 115.116, 115.117

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.112, 115.114, 115.116, and 115.117, concerning Storage of Volatile Organic Compounds (VOC). The proposed changes to §115.112, concerning Control Requirements, clarify existing control requirements and update terminology.

The proposed changes to §115.114, concerning Inspection Requirements, establish separate inspection requirements for internal and external floating roof tanks, and establish a 45-day repair schedule with the availability of a 30-day extension.

The proposed changes to §115.116, concerning Monitoring and Recordkeeping Requirements, and §115.117, concerning Exemptions, clarify that exemptions based upon vapor pressure are determined at storage conditions. The TNRCC intends to include more specific language which defines the temperature used to establish the vapor pressure in the adoption of final rules.

The proposed changes to §115.117 also update terminology and resolve a conflict between recordkeeping requirements and exemptions. The conflict is between §115.117(a)(1) and (b)(1), which exempt tanks storing VOC with a true vapor pressure less than 1.5 psia, and §115.116(a)(1) and (b)(1), which require maintenance of records for certain exempt storage tanks. Because maintaining records of exempt status is necessary for enforcement of the rule, a proposed correction to §115.117(a)(1) and (b)(1) specifies that the recordkeeping requirements are not included in these exemptions.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more understandable and enforceable environmental regulation. There will be minimal or no effect on small businesses, persons, or businesses who are required to comply with the sections as proposed. The proposed requirement to maintain records of exempt status will have minimal fiscal impact, since most companies already maintain such records.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on Sep-

tember 27, 1995 at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRC member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-AI. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRC 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 hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.112. Control Requirements.

(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 requirements shall apply.

(1) (No change.)

(2) For floating roof storage tanks subject to the provisions of paragraph (1) of this subsection, the following requirements shall apply.

(A) All openings in an internal or external floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents must provide a projection below the liquid surface or be equipped with a cover, seal, or lid. Any cover, seal, or lid must be in a closed (i.e., no visible gap) position at all times except when the device is in actual use.

(B) Automatic bleeder vents (vacuum breaker vents) are to be closed at all times except when the roof is being floated off or landed on the roof leg supports.

(C) (No change.)

(D) Any [emergency] roof drain that empties into the stored liquid shall be equipped [must be provided] with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

(E)-(F) (No change.)

(3) (No change.)

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

(1) (No change.)

(2) For floating roof storage tanks subject to the provisions of paragraph (1) of this subsection, the following requirements shall apply.

(A) All openings in an internal or external floating roof, except for automatic bleeder vents (vacuum breaker vents) and rim space vents, must provide a projection below the liquid surface or be equipped with a cover, seal, or lid. Any cover, seal, or lid must be in a closed (i.e., no visible gap) position at all times, except when the device is in actual use.

(B) Automatic bleeder vents (vacuum breaker vents) are to be closed at all times except when the roof is being floated off or landed on the roof leg supports.

(C) (No change.)

(D) Any [emergency] roof drain that empties into the stored liquid shall be equipped [must be provided] with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

(E)-(F) (No change.)

(c) (No change.)

§115.114. 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 [all secondary seals used to comply with §115.112(a)(1) of this title (relating to Control Requirements) shall be inspected

according to the following schedules by the owner, operator, or authorized representative to insure compliance with §115.112(a)(2)(E) and (F) of this title].

(1) If during an inspection of an internal floating roof storage tank, the internal floating roof is not resting on the surface of the volatile organic compounds (VOC) inside the storage tank, or liquid has accumulated on the internal floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title (relating to Degassing or Cleaning of Stationary, Marine, and Transport Vessels). If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate Texas Natural Resource Conservation Commission (TNRC) regional office and any local air pollution control program with jurisdiction.

(2) For external floating roof storage tanks, the secondary seal gap shall be physically measured at least once every 12 months to insure compliance with §115.112(a)(2)(F) of this title (relating to Control Requirements). If the secondary seal gap exceeds the limitations specified by §115.112(a)(2)(F) of this title, within 45 days of the inspection the owner or operator shall make the necessary repairs or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRC regional office and any local air pollution control program with jurisdiction.

[(1) If the primary seal is vapor-mounted, the secondary seal gap area shall be physically measured annually to insure compliance with §115.112(a)(2)(F) of this title.]

(3)[(2)] If the tank is equipped with a mechanical [metallic-type] shoe or liquid-mounted primary seal, compliance with §115.112(a)(2)(F) of this title can be determined by visual inspection.

(4)[(3)] For external floating roof storage tanks, the [All] secondary seal [seals] shall be visually inspected at least once every six months [semiannually] to ensure compliance with §115.112(a)(2)(E)-(H) [§115.112(a)(2)(E) and (F)] of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank, or liq-

liquid has accumulated on the external floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

(b) For all persons in Gregg, Nueces, and Victoria counties, the following inspection requirements shall apply [all secondary seals used to comply with §115.112(b)(1) of this title shall be inspected according to the following schedules by the owner, operator, or authorized representative to insure compliance with §115.112(b)(2)(E) and (F) of this title].

(1) If during an inspection of an internal floating roof storage tank, the internal floating roof is not resting on the surface of the VOC inside the storage tank, or liquid has accumulated on the internal floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

(2) For external floating roof storage tanks, the secondary seal gap shall be physically measured at least once every 12 months to insure compliance with §115.112(b)(2)(F) of this title. If the secondary seal gap exceeds the limitations specified by §115.112(b)(2)(F) of this title, within 45 days of the inspection the owner or operator shall make the necessary repairs or shall empty and degas the storage tank. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

(1) If the primary seal is vapor-mounted, the secondary seal gap area shall be physically measured annually to insure compliance with §115.112(b)(2)(F) of this title.]

(3) If the tank is equipped with a mechanical shoe or liquid-mounted primary seal, compliance with §115.112(b)(2)(F) of this title can be determined by visual inspection.

(4)[(2)] For external floating roof storage tanks, the [All] secondary seal [seals] shall be visually inspected at least once every 12 months [annually] to insure compliance with §115.112(b)(2)(E) and (F) of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank, or liquid has accumulated on the external floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

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

(1) If during an inspection of an internal floating roof storage tank, the internal floating roof is not resting on the surface of the VOC inside the storage tank, or liquid has accumulated on the internal floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

(2) If during an inspection of an external floating roof storage tank, the external floating roof is not resting on the surface of the VOC inside the storage tank, or liquid has accumulated on the external floating roof, or the seal is detached, or there are holes or tears in the seal fabric, within 45 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may submit a written request for a 30-day extension to the appropriate TNRCC regional office and any local air pollution control program with jurisdiction.

§115.116. Monitoring and Recordkeeping Requirements.

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

(1) The owner or operator of any storage vessel with an external floating roof which is exempted from the requirement for a secondary seal as specified in §115.117(a)(1), (6), and (7) of this title (relating to Exemptions) and used to store volatile organic compounds (VOC) with a true vapor pressure greater than 1.0 psia (6.9 kPa) at storage conditions shall maintain records of the type of VOC stored and the average monthly true vapor pressure of the stored liquid.

(2)-(5) (No change.)

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

(1) The owner or operator of any storage vessel with an external floating roof which is exempted from the requirement for a secondary seal as specified in §115.117(b)(1), (6), and (7) of this title and used to store VOC with a true vapor pressure greater than 1.0 psia (6.9 kPa) at storage conditions shall maintain records of the type of VOC stored and the average monthly true vapor pressure of the stored liquid.

(2)-(5) (No change.)

§115.117. Exemptions.

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

(1) Except as provided in §115.116 of this title (relating to Monitoring and Recordkeeping Requirements), any [Any] volatile organic compound (VOC) with a true vapor pressure less than 1.5 psia (10.3 kPa) at storage conditions is exempt from the requirements of this undesignated head (relating to the Storage of Volatile Organic Compounds).

(2)-(3) (No change.)

(4) A welded tank with a mechanical [metallic-type] shoe primary seal which has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary seal) is exempt from the requirement for retrofitting with a rim-mounted secondary seal if the shoe-mounted secondary seal was installed or scheduled for installation before August 22, 1980.

(5) (No change.)

(6) Any welded tank storing VOC having a true vapor pressure less than 4.0 psia (27.6 Kpa) is exempt from any external floating roof secondary seal requirement if any of the following types of primary seals have been installed before August 22, 1980:

(A) a mechanical [metallic-type] shoe seal;

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

(7) Any welded tank storing crude oil having a true vapor pressure equal to or greater than 4.0 psia (27.6 Kpa) and less than 6.0 psia (41.4 kPa) at storage conditions is exempt from any external floating roof secondary seal requirement if any of the following types of primary seals have been installed before December 10, 1982:

(A) a mechanical [metallic-type] shoe seal;

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

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

(1) Except as provided in §115.116 of this title, any [Any] VOC with a true vapor pressure less than 1.5 psia (10.3 kPa) at storage conditions is exempt from the requirements of this undesignated head (relating to the Storage of Volatile Organic Compounds).

(2)-(3) (No change.)

(4) A welded tank with a mechanical [metallic-type] shoe primary seal which has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary seal) is exempt from the requirement for retrofitting with a rim-mounted secondary seal if the shoe-mounted secondary seal was installed or scheduled for installation before August 22, 1980.

(5) (No change.)

(6) Any welded tank storing VOC having a true vapor pressure less than 4.0 psia (27.6 kPa) is exempt from any external secondary seal requirement if any of the following types of primary seals have been installed before August 22, 1980:

(A) a mechanical [metallic-type] shoe seal;

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

(7) Any welded tank storing crude oil having a true vapor pressure equal to or greater than 4.0 psia (27.6 kPa) and

less than 6.0 psia (41.4 kPa) at storage conditions is exempt from any external secondary seal requirement if any of the following types of primary seals have been installed before December 10, 1982:

(A) a mechanical [metallic-type] shoe seal;

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

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

(1) Any VOC with a true vapor pressure less than 1.5 psia (10.3 kPa) at storage conditions is exempt from the requirements of this undesignated head (relating to the Storage of Volatile Organic Compounds).

(2)-(4) (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 August 30, 1995.

TRD-9510947

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call: (512) 239-1970

Vent Gas Control

• 30 TAC §§115.121-115.123, 115.126, 115.127, 115.129

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.121, 115.122, 115.123, 115.126, 115.127, and 115.129, concerning Vent Gas Control. The proposed changes have been developed in response to a recent policy decision to exempt general vent gas streams originating from sources which are addressed by more specific rules elsewhere in Chapter 115. Consequently, the TNRCC is proposing an exemption for vent gas streams if all the volatile organic compounds (VOC) in the vent gas stream originate from a source(s) for which another undesignated head within Chapter 115 (for example, Storage of VOC) has established a control requirement(s), emission specification(s), or exemption(s) which applies to that VOC source category in that county.

The proposed exemption does not affect the approvability of the Rate-of-Progress State Implementation Plan because emission reductions associated with lowering the general vent gas stream exemption level were not included in the emission reduction credit cal-

culations. The proposed rule change will, however, ensure that reasonably available control technology (RACT) continues to be applied at major sources of VOC, since in order for this new exemption to apply, a more specific rule designed to meet RACT must be applicable.

In addition, to address concerns raised by a company, the proposed amendments revise the synthetic organic chemical manufacturing industry (SOCMI) reactor processes and distillation operations vent gas stream control requirements through the addition of exemptions (by reference to the corresponding federal New Source Performance Standards) which are based upon the total resource effectiveness (TRE) index value for individual vent gas streams. The TRE index is a decision tool used to determine if the annual cost of controlling a given SOCMI reactor/distillation vent gas stream is acceptable when considering the emissions reduction achieved. The TRE index value is based upon the vent stream flow rate, VOC emission rate, net heating value, and corrosion properties (whether or not the vent gas stream contains halogenated compounds). Addition of the TRE exemption to the SOCMI reactor processes and distillation operation rules will make these rules consistent with the corresponding United States Environmental Protection Agency Control Techniques Guideline.

The TNRCC is also proposing amendments in order to clarify existing requirements, update rule references, and delete obsolete or unnecessary language.

The proposed amendment to §115.121, concerning Emission Specifications, deletes language made obsolete by the passage of the May 31, 1995, compliance date.

The proposed amendment to §115.122, concerning Control Requirements, updates rule references and deletes language made obsolete by the passage of the May 31, 1995, compliance date. The proposed changes to §115.123, concerning Alternate Control Requirements, deletes language made obsolete by the passage of the May 31, 1995, compliance date.

The proposed amendment to §115.126, concerning Monitoring and Recordkeeping Requirements, updates rule references.

The proposed amendment to §115.127, concerning Exemptions, adds exemptions for a vent gas stream if all of the VOCs in the vent gas stream originate from a source(s) for which another undesignated head within Chapter 115 (for example, Storage of VOC) has established a control requirement(s), emission specification(s), or exemption(s) which apply to that VOC source category in that county. In addition, the proposed amendment adds a TRE index limit to the SOCMI reactor/distillation vent gas exemptions. The proposed amendment to §115.127 also updates rule references and deletes language made obsolete by the passage of the May 31, 1995, compliance date.

The proposed amendment to §115.129, concerning Counties and Compliance Schedules, updates rule references and deletes language made obsolete by the passage of the May 31, 1995, compliance date.