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(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.

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 economically balanced environmental regulation, clarification of existing requirements, and deletion of obsolete or unnecessary language. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed. Owners or operators of facilities qualifying for the proposed exemptions could obtain relief from the requirement to control VOC emissions under the vent gas rule and, therefore, could potentially save the cost of controls.

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 September 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 TNRCC staff 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 TNRCC 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 TNRCC 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 #95116-115-AI. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC 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 TNRCC 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.

§115.121. Emission Specifications.

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

[(1) Until May 31, 1995 in Brazoria, El Paso, Galveston, Jefferson, and Orange counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following volatile organic compounds (VOC) or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(a) (1) of this title (relating to Control Requirements):

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

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

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

(1)[(2)] [In Dallas, Harris, and Tarrant counties, and after May 31, 1995 in ozone nonattainment counties other than Dallas, Harris, and Tarrant, no] No person may allow a vent gas stream containing VOC to be emitted from any process vent, unless the vent gas stream is burned properly in accordance with §115.122(a)(1) of this title (relating to Control Requirements).

(2)[(3)] [In Harris County, and after May 31, 1995 in ozone nonattainment counties other than Harris, no] No person may allow a vent gas stream to be emitted from any air oxidation synthetic organic chemical manufacturing process, any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, or any continuous polystyrene manufacturing process, unless the vent gas stream is controlled to a VOC emission rate of no more than 20 parts per million by volume (ppmv) (on a dry basis corrected to 3.0% oxygen), or is burned properly in accordance with §115.122(a)(2) of this title.

(3)[(4)] After November 15, 1996, no person may allow a vent gas stream to be emitted from any synthetic organic chemical manufacturing industry re-

actor process or distillation operation, as defined in §115.10 of this title, unless the vent gas stream is controlled to a VOC emission rate of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen), or is burned properly in accordance with §115.122(a)(2) of this title.

(4)[(5)] In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from bakery ovens, as defined in §115.10 of this title [(relating to Definitions)], shall be controlled properly in accordance with §115.122(a)(3) of this title.

(b) (No change.)

(c) For persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda, [Montgomery,] San Patricio, and Travis counties, the following emission specifications shall apply:

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

§115.122. 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) Any vent gas streams affected by §115.121(a)(1) [§115.121(a)(1) and (2)] of this title (relating to Emission Specifications) must be burned properly at a temperature equal to or greater than 1,300 degrees Fahrenheit (704 degrees Celsius) in a smokeless flare or a direct-flame incinerator with a destruction efficiency of at least 90%.

(2) Any vent gas streams affected by §115.121(a)(2) and (3) [§115.121(a)(3) and (4)] of this title, must be controlled to a volatile organic compound (VOC) emission rate of no more than 20 parts per million by volume (on a dry basis corrected to 3.0% oxygen), or burned properly in a smokeless flare or a direct-flame incinerator which has a destruction efficiency of at least 98%. The owner or operator of an affected facility that uses a flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

(3) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from each bakery with a bakery oven vent gas stream(s) affected by §115.121(a)(4) [§115.121(a)(5)] of this title [(relating to Emission Specifications)] shall be reduced as follows.

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

(C) Each bakery in the Dallas/Fort Worth area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year, but less than 100 tons per calendar year, shall reduce total VOC emissions by at least 30% from the bakery's 1990 baseline emissions inventory in accordance with the schedule specified in §115.129(a)(4) [§115.129(a)(7)] of this title (relating to Counties and Compliance Schedules).

(D) Each bakery in the El Paso area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year shall reduce total VOC emissions by at least 30% from the bakery's 1990 baseline emissions inventory in accordance with the schedule specified in §115.129(a)(5) [§115.129(a)(8)] of this title.

(4) (No change.)

(b) (No change.)

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

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

§115.123. 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 if emission reductions are demonstrated to be substantially equivalent. Direct-flame incineration specified for vent gas control in this undesignated head (relating to Vent Gas Control) is not intended as an exclusive emission control method for VOC. In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122(c) of this title, do not require Executive Director approval.

§115.126. Monitoring and Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator

of any facility which emits volatile organic compounds (VOC) through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the Texas Natural Resource Conservation Commission (TNRCC), United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following.

(1) Records for each vent required to satisfy the provisions of §115.121(a)(1)-(3) [§115.121(a)(2)-(4)] of this title (relating to Emission Specifications) shall be sufficient to demonstrate the proper functioning of applicable control equipment to design specifications, including:

(A)-(E) (No change.)

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

(5) For bakeries affected by §115.122(a)(3)(C) and (D) of this title, the following additional requirements apply.

(A) No later than six months after the TNRCC publishes notification in the *Texas Register* as specified in §115.129(a)(4) [§115.129(a)(7)] of this title (relating to Counties and Compliance Schedules), the owner or operator of each bakery shall submit an initial control plan 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 reduction of VOC emissions [from the bakery's 1990 baseline emissions inventory] will be at least 30%. At a minimum, the control plan shall include the EPN and the FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the 1990 VOC emission rates (consistent with the bakery's 1990 emissions inventory). The projected VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

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

(b) (No change.)

§115.127. Exemptions.

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

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

[and (2)] of this title (relating to Emission Specifications) if no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of solidified product.

[(2) Until May 31, 1995 in Brazoria, El Paso, Galveston, Jefferson, and Orange counties, the following vent gas streams are exempt from the requirements of §115.121(a)(1) of this title:

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

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

[(2) [(3) [In Dallas, Harris, and Tarrant counties, and after May 31, 1995 in ozone nonattainment counties other than Dallas, Harris, and Tarrant, the] The following vent gas streams are exempt from the requirements of §115.121(a)(1) [§115.121(a)(2)] of this title:

(A) a vent gas stream having a combined weight of volatile organic compounds (VOC) equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period;

[(B) until May 31, 1995 in Harris County, a vent gas stream specified in §115.121(a)(2) of this title with a concentration of volatile organic compound (VOC) less than 0.44 pounds per square inch absolute (psia) true partial pressure (30,000 parts per million);

[(C) until November 15, 1998 for facilities which have been assigned the code number 26 as described in the document Standard Industrial Classification (SIC) Manual, 1972, as amended by the 1977 Supplement, a vent gas stream specified in §115.121(a)(2) of this title with a concentration of VOC less than 0.44 psia true partial pressure (30,000 parts per million); and]

[(B) [(D)] a vent gas stream specified in §115.121(a)(1) [§115.121(a)(2)] of this title with a concentration of VOC less than 0.009 per square inch absolute (psia) true partial pressure (612 parts per million (ppm)); and [ppm].]

(C) until November 15, 1998 for facilities which have been assigned the code number 26 as described in the document Standard Industrial Classification (SIC) Manual, 1972, as amended by the 1977 Supplement, a vent gas stream specified in §115.121(a)(1) of this title with a concentration of VOC less than 0.44 psia true partial pressure (30,000 ppm).

(3)[(4)] [In Harris County, and after May 31, 1995 in ozone nonattainment counties other than Harris, the] The following vent gas streams are exempt from the requirements of §115.121(a)(2) [§115.121(a)(3)] of this title:

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

(B) a vent gas stream from any air oxidation synthetic organic chemical manufacturing process with a concentration of VOC less than 0.009 pounds psia [per square inch absolute (psia)] true partial pressure (612 ppm); [parts per million (ppm)]; and

(C) a vent gas stream from any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, and any continuous polystyrene manufacturing process with a concentration of VOC less than 0.006 psia true partial pressure (408 ppm).

(4)[(5)] For synthetic organic chemical manufacturing industry (SOCMI) reactor processes and distillation operations:

(A) Any reactor process or distillation operation that is designed and operated in a batch mode is exempt from the requirements of §115.121(a)(3) [§115.121(a)(4)] of this title. For the purposes of this subparagraph, batch mode means any noncontinuous reactor process or distillation operation which is not characterized by steady-state conditions, and in which the addition of reactants does not occur simultaneously with the removal of products.

(B) Any reactor process or distillation operation operating in a process unit with a total design capacity of less than 1,100 tons per year, for all chemicals produced within that unit, is exempt from the requirements of §115.121(a)(3) [§115.121(a)(4)] of this title.

(C) Any reactor process or distillation operation vent gas stream with a flow rate less than 0.011 standard cubic meters per minute or a VOC concentration less than 500 parts per million by volume is exempt from the requirements of §115.121(a)(3) [§115.121(a)(4)] of this title [(relating to Emission Specifications)].

(D) Any distillation operation vent gas stream which meets the requirements of 40 Code of Federal Regulations (CFR) 60.660(c)(4) or 60.662(c) (concerning Subpart NNN-Standards of Performance for VOC Emissions From SOCMI Distillation Operations) is exempt from the requirements of §115.121(a)(3) of this title.

(E) Any reactor process vent gas stream which meets the requirements of 40 CFR 60.700(c)(2) or 60.702(c) (concerning Subpart RRR-Standards of Performance for VOC Emissions From SOCMI Reactor Processes) is exempt from the requirements of §115.121(a)(3) of this title.

(5)[(6)] Bakeries are exempt from the requirements of §115.121(a)(4) [§115.121(a)(5)] and §115.122(a)(3) of this title (relating to Emission Specifications and Control Requirements) if the total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, is less than 25 tons per calendar year.

(6) A vent gas stream is exempt from this undesignated head (relating to Vent Gas Control) 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 applies to that VOC source category in that county.

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

(1) (No change.)

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

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

(3) A vent gas stream is exempt from this undesignated head (relating to Vent Gas Control) 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 applies to that VOC source category in that county.

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

(1) (No change.)

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

(A) (No change.)

(B) a vent gas stream having a concentration of the VOC specified in §115.121(c)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (30,000 ppm) [(3.0 kPa)]; and

(C) (No change.)

(3) A vent gas stream is exempt from this undesignated head (relating to Vent Gas Control) 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 applies to that VOC source category in that county.

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

[(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller counties shall be in compliance with §115.121(a) of this title (relating to Emission Specifications), §115.122(a) of this title (relating to Control Requirements), §115.123(a) of this title (relating to Alternate Control Requirements), §115.125(a) of this title (relating to Testing Requirements), §115.126(a) of this title (relating to Monitoring and Recordkeeping Requirements), and §115.127(a) of this title (relating to Exemptions), as soon as practicable, but no later than May 31, 1995. Sections 115.121(c), 115.122(c), 115.123(c), and 115.127(c) of this title shall no longer apply in Hardin and Montgomery counties after May 31, 1995.

[(2) All persons in Brazoria, El Paso, Galveston, Jefferson, and Orange counties affected by the provisions of §115.121(a)(2) and (3) of this title and §115.127(a)(3) of this title shall be in com-

pliance with these sections as soon as practicable, but no later than May 31, 1995.

[(3)] All persons in Harris County affected by the provisions of §115.127(a)(3)(C) of this title shall be in compliance with this section as soon as practicable, but no later than May 31, 1995.]

[(1)][(4)] All affected synthetic organic chemical manufacturing industry reactor process or distillation operations in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller counties shall be in compliance with §115.121(a)(3) [§115.121(a)(4)] of this title (relating to Emission Specifications) as soon as practicable, but no later than November 15, 1996.

[(2)][(5)] All affected bakeries in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties shall be in compliance with §§115.121(a)(4), [115.121(a)(5),] 115.122(a) (3), 115.126(a)(4), and 115.127(a)(5) [115.127(a)(6)] of this title (relating to Emission Specifications; Control Requirements; Monitoring and Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than May 31, 1996.

[(3)][(6)] All bakeries in Collin, Dallas, Denton, and Tarrant counties affected by §115.122(a)(3)(B) of this title shall be in compliance with §§115.121(a)(4), [115.121(a)(5),] 115.122(a)(3), 115.126(a)(4), and 115.127(a)(5) [115.127(a)(6)] of this title as soon as practicable, but no later than May 31, 1996.

[(4)][(7)] All bakeries in Collin, Dallas, Denton, and Tarrant counties affected by §115.122(a)(3)(C) of this title shall be in compliance with §§115.121(a)(4), [115.121(a)(5),] 115.122(a)(3)(C), 115.126(a)(5), and 115.127(a)(5) [115.127(a)(6)] of this title as soon as practicable, but no later than one year after the Texas Natural Resource Conservation Commission (TNRCC) publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the [November 15, 1996] attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act (FCAA), §172(c)(9).

[(5)] [(8)] All bakeries in El Paso County affected by §115.122(a)(3)(D) of this title shall be in compliance with §§115.121(a)(4), [115.121(a) (5),] 115.122(a)(3)(D), 115.126(a)(5), and 115.127(a)(5) [115.127(a) (6)] of this title as soon as practicable, but no later than one year, after the TNRCC publishes notification

in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the [November 15, 1996] attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the FCAA, §172(c)(9).

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-9510948

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

Proposed date of adoption: December 20, 1995

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

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Subchapter C. Volatile Organic Compounds

Transfer Operations Loading and Unloading of Volatile Organic Compounds

• 30 TAC §115.212, §115.219

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §115.212 and §115.219, concerning Loading and Unloading of Volatile Organic Compounds (VOC). The proposed revisions to §115.212, concerning Control Requirements, would remove the requirement to upgrade the vapor collection systems at gasoline terminals with vacuum-assisted vapor collection. The proposal is in response to a petition for rulemaking, approved by the TNRCC on July 12, 1995. The proposed revisions to §115.219, concerning Counties and Compliance Schedules, are initiated to satisfy in the Beaumont/Port Arthur (BPA) ozone nonattainment area the 1990 Federal Clean Air Act (FCAA) requirement that Reasonably Available Control Technology (RACT) be implemented at major VOC sources in ozone nonattainment areas classified as moderate and above. The proposed rule revision would implement in BPA, only if absolutely necessary, the marine vessel loading control requirements currently applicable to the Houston/Galveston (HGA) ozone nonattainment area.

The FCAA requires states to adopt a Rate-of-Progress (ROP) State Implementation Plan (SIP) which achieves by November 15, 1996, in each moderate and above ozone nonattainment area, a 15% net-of-growth reduction in the VOC emissions level. The requirement to install vacuum assisted vapor collection systems on gasoline loading racks, part of the 15% ROP SIP for the HGA, Dallas/Fort Worth, and El Paso ozone nonattainment areas, was adopted by the TNRCC in May, 1994.

The proposed deletion of §115.212(a)(11)(A) would remove the requirement to install vacuum assisted vapor collection systems on gasoline loading racks. The TNRCC developed the vacuum assist requirement because it was proposed by the United States Environmental Protection Agency (EPA) under the federal Maximum Achievable Control Technology (MACT) standards for gasoline terminals (59 Federal Register 5868), there was experience with the technology in Texas, and based on existing information at the time, it was expected to produce meaningful additional emission reductions that could be credited towards the 15% ROP requirements. The EPA dropped the vacuum assist requirement from the December 1994 promulgated gasoline distribution MACT standard, due to its determination that the required annual leak test of transport vehicles would control most of the emissions it previously had thought would be collected by the vacuum assist technology. The EPA now estimates that the maximum benefit which may result from installing this technology is 1.3% additional capture efficiency, and that even this small amount of reduction can not be demonstrated in practice. The deletion of the vacuum assist requirement should not affect the approvability of the 15% ROP SIP, since the the 1.3% capture efficiency which may possibly be lost by not installing this technology represents negligible actual VOC emissions.

In addition to including rules which achieve a 15% VOC emissions reduction (net of growth) from the 1990 base year emissions inventory by 1996, the ROP SIP must include additional control measures representing at least a 3.0% reduction to be maintained as contingency measures. The marine vessel loading rule was adopted as a contingency rule for BPA on January 4, 1995. The TNRCC can choose to implement this rule if the BPA area fails to attain the national ambient air quality standard for ozone by the attainment deadline (currently November 15, 1999), or if the BPA area fails to demonstrate reasonable further progress as set forth in the 1990 Amendments to the FCAA, §172(c)(9).

In addition, BPA is currently classified as a serious ozone nonattainment area, but the TNRCC has petitioned EPA to reclassify this area as a moderate nonattainment area. If BPA is successfully reclassified as a moderate area, the RACT requirement for major sources will still continue to apply. However, the TNRCC's ultimate intention is to petition EPA to redesignate BPA as an attainment area based upon actual monitoring data or upon modeling using urban arshed model (UAM) modeling. If BPA can be successfully redesignated as an attainment area, EPA has indicated preliminarily that marine vessel loading could remain a contingency rule.

The proposed changes to §115.219 include a new paragraph (6) which establishes marine vessel loading as a control requirement for BPA. This rule will be implemented if EPA denies the proposal to redesignate the area as attainment for ozone, or if EPA denies approval of the BPA attainment demonstration based upon UAM modeling. The TNRCC believes that this satisfies the requirement that RACT be implemented for major sources for VOC. The proposed changes to §115.219