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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 notifica-

tion 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
Services Division
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

also delete the attainment date from the BPA marine vessel loading contingency rule since this date may be revised in the near future.

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 satisfaction of FCAA Amendments and EPA requirements, and more cost-effective control of VOC emissions from gasoline terminals. Cost savings to owners or operators of gasoline terminals would result from this rule amendment. Cost savings to owners or operators of marine terminals could result from the rule revision since marine vessel loading requirements might be delayed indefinitely in BPA. 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.

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 #95135-115-A1. 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 Gus Eghneim at (512) 239-1965 or 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.

§115.212. 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)-(10) (No change.)

(11) After November 15, 1996 for gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, [the following control requirements shall apply.

[(A) Each vapor recovery device serving a loading rack shall be upgraded to include a vacuum assisted vapor collection system followed by a vapor recovery 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] each vapor recovery system shall be instrumented in such a way that the pump(s) transferring fuel to the transport vessels will not operate unless the vapor recovery system is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor recovery systems serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(12) (No change.)

(b)-(c) (No change.)

§115.219. 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 Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

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

(5) All affected marine terminals in Hardin, Jefferson, and Orange 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 (relating to Emission Specifications; Control Requirements; Alternate Control Requirements; Inspection Requirements; Approved Test Methods; Monitoring and Recordkeeping Requirements; and Exemptions) as soon as practica-

ble, but no later than three years after the Texas Natural Resource Conservation Commission 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 for ozone by the [November 15, 1999] attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(6) All affected marine terminals in Hardin, Jefferson, and Orange 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 three years after:

(A) the United States Environmental Protection Agency (EPA) publishes notification in the *Federal Register* of its determination to deny the petition to redesignate the Beaumont/Port Arthur ozone nonattainment area as an ozone attainment area; or

(B) EPA publishes notification in the *Federal Register* of its determination to deny approval of the demonstration of attainment for the Beaumont/Port Arthur ozone nonattainment area based upon Urban Airshed Model (UAM) modeling.

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-9510973

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 E. Solvent-Using Processes

Degreasing and Clean-up Processes

- 30 TAC §§115.412, 115.413, 115.416, 115.417, 115.419

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.412, 115.413, 115.416, 115.417, and 115.419, concerning Degreasing and Clean-up Processes. The proposed amendments to §115.412, concerning Control Requirements, §115.416, concerning Recordkeeping Requirements,