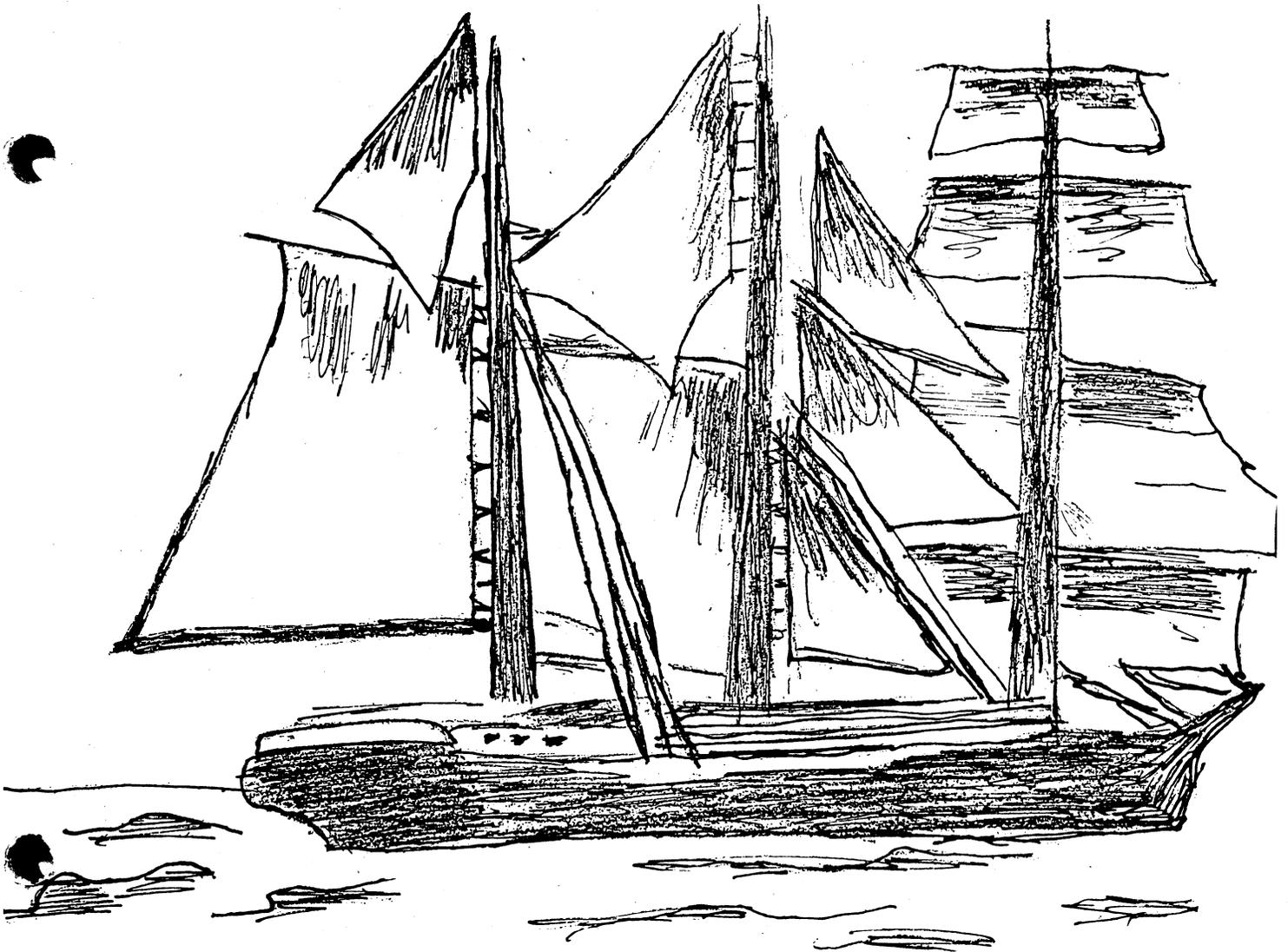

TEXAS REGISTER

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cyclic, branched, or linear completely methylated siloxanes, acetone, 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee), 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 November 8, 1996.

TRD-9616280

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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

Chapter 115. Control of Air Pollution From Volatile Organic Compounds

The commission proposes amendments to §115.10, concerning Definitions; §§115.112, 115.114- 115.116, and 115.119, concerning Storage of Volatile Organic Compounds (VOC); §§115.132, 115.136, and 115.137, concerning Water Separation; §§115.146, 115.147, and 115.149, concerning Industrial Wastewater; §§115.153, 115.156, and 115.159, concerning Municipal Solid Waste Landfills; §§115.211, 115.212, 115.214-115.217, and 115.219, concerning Loading and Unloading of VOC; §§115.221-115.223, and 115.226, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; §115.253 and §115.256, concerning Control of Reid Vapor Pressure of Gasoline; §§115.421, 115.422, 115.424, 115.426, and 115.427, concerning Surface Coating Processes; §§115.442, 115.446, and 115.449, concerning Offset Lithographic Printing; §§115.532, 115.533, 115.536, 115.537, and 115.539, concerning Pharmaceutical Manufacturing Facilities; and §§115.552, 115.553 and 115.559, concerning Petroleum Dry Cleaning Systems.

EXPLANATION OF PROPOSED RULE. The commission proposes these revisions to Chapter 115, concerning Control of Air Pollution from VOC, and to the State Implementation Plan (SIP) in order to make a variety of changes which correct and update rule references, correct references to federal test methods, clarify control requirements, update terminology for consistency throughout Chapter 115, add exemptions to the VOC water separation rules to complete previous rulemaking, delete definitions which are no longer needed, delete the attainment date from the contingency rules to provide future flexibility, and delete language made obsolete by the passing of compliance dates.

The proposed changes to §115.10, concerning Definitions, replace the definition of delivery vessel/tank-truck tank with a definition of tank-truck tank to ensure the use of consistent terminology in various rules; revise the definition of fugitive

emission for consistency with the corresponding definition in §101.1, concerning Definitions; update the definition of leak to be consistent with the requirements of §115.352, regarding Control Requirements; revise the definition of Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation, SOCMI batch process, SOCMI distillation operation, SOCMI distillation unit, and SOCMI reactor process to clarify the applicability of these definitions; delete the definitions of polyester resin materials, polyester resin operation, and utility engines because these terms are no longer used within Chapter 115; revise the definition of VOC for consistency with the recently revised federal definition; and revise the definition of vehicle refinishing (body shops) by deleting the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the list of operations which are excluded from this definition. In concurrent action, the commission proposes to add an exemption to §115.427, concerning Exemptions, which will exclude the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the Chapter 115 vehicle refinishing (body shops) emission specifications and control requirements. The proposed changes to the definition of VOC add 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), and 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee) to the list of compounds which are not classified as VOCs. The United States Environmental Protection Agency (EPA) has ruled that these compounds have negligible photochemical reactivity, and thus do not appreciably contribute to the formation of urban ozone (final rules at 61 *Federal Register* (FR) 52847).

The proposed changes to §115.112, concerning Control Requirements, clarify that the requirement for rim-mounted secondary seals is applicable to external floating roof storage tanks but not internal floating roof storage tanks. The proposed changes to §115.114, concerning Inspection Requirements, correct a rule reference and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.115, concerning Approved Test Methods, correct a reference to a federal test method and add the effective dates of referenced federal rules for consistency with the commission's style guidelines. The proposed change to §115.116, concerning Monitoring and Recordkeeping Requirements, revises references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed revision to §115.119, concerning Counties and Compliance Schedules, more clearly specifies the compliance schedule for a previously adopted requirement to conduct annual visual inspections of internal floating roof storage tanks in ozone nonattainment counties.

The proposed changes to §115.132, concerning Control Requirements, and §115.137, concerning Exemptions, complete a previous rulemaking action which was adopted by the commission on October 25, 1995. The revisions now being proposed could not be adopted at that time due to restrictions specified by the Administrative Procedures Act. The proposed changes to §115.132 specify the conditions under which VOC water separators may vent to the atmosphere without vapor recovery. In addition, the proposed changes to §115.132 and §115.136, concerning Monitoring and Recordkeeping Requirements, replace

"prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.137 add an exemption for VOC water separators in Gregg, Nueces, and Victoria Counties which are designed solely to capture stormwater, spills, or exterior surface cleanup waters.

The proposed changes to §115.146, concerning Monitoring and Recordkeeping Requirements, and §115.147, concerning Exemptions, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed revision to §115.149, concerning Counties and Compliance Schedules, deletes the attainment date for Beaumont/Port Arthur from the contingency rule. The date currently specified in this rule is no longer accurate because the attainment date has changed as the result of the reclassification of Beaumont/Port Arthur as a moderate ozone nonattainment area, effective June 3, 1996. Elimination of the specific date will not affect the validity of this contingency rule but will provide flexibility in the event that the attainment date is changed again in the future and will eliminate the need for a future rule change in that event.

The proposed changes to §115.153 update a reference to §115.910 to reflect a title change. The proposed change to §115.156, concerning Monitoring and Recordkeeping Requirements, and §115.159, concerning Counties and Compliance Schedules, revises references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed revision to §115.159 also deletes an inaccurate attainment date for Houston/Galveston from the contingency rule. Elimination of the specific date will not affect the validity of this contingency rule but will provide flexibility in the event that the attainment date is changed in the future and will eliminate the need for a future rule change in that event.

The proposed changes to §§115.211, 115.212, 115.214, 115.216, 115.217, and 115.219, concerning Emission Specifications; Control Requirements; Inspection Requirements; Monitoring and Recordkeeping Requirements; Exemptions; and Counties and Compliance Schedules, delete language which no longer applies after a November 15, 1996, compliance date has passed, renumber other paragraphs within these sections as appropriate, and update rule references which need to be changed due to this renumbering. The proposed changes to §§115.212, 115.216, and 115.217 also replace "prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.214 also update a rule reference due to a title change. The proposed changes to §115.216 also add the effective dates of referenced federal rules for consistency with the commission's style guidelines.

The proposed changes to §115.215, concerning Approved Test Methods, add a second test method for determining marine vessel vapor tightness in order to provide additional flexibility. The proposed changes to §115.217 also clarify the applicability of an existing exemption to marine loading operations and clarify that marine terminals with less than 100 tons per year (TPY) of VOC emissions only include marine loading emissions in the 100 TPY calculation. In addition, the proposed changes to §115.217 make more general the location to which control plans are directed by replacing references to the Office of Air

Quality with a reference to the executive director. Finally, the proposed changes to §115.217 relocate the deadline for submission of 80% overall control plans from subparagraphs which are proposed for deletion.

The proposed changes to §§115.221, 115.222, and 115.226, concerning Emission Specifications; Control Requirements; and Recordkeeping Requirements, replace the term delivery vessel with tank-truck tank for consistency with the terminology elsewhere in Chapter 115. The proposed changes to §115.223, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed changes to §115.226 also replace certification number with the identification number and the date of the last leak testing for consistency with the requirements and terminology elsewhere in Chapter 115.

The proposed changes to §115.253, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed change to §115.256, concerning Monitoring and Recordkeeping Requirements, revises references to TNRCC and the executive director for consistency with the commission's style guidelines.

The proposed change to §115.421, concerning Emission Specifications, removes a date which is unnecessary because it is already given in §115.429. The proposed changes to §115.422, concerning Control Requirements, §115.424, concerning Inspection Requirements, §115.426, concerning Monitoring and Recordkeeping Requirements, and §115.427, concerning Exemptions, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed revisions to §115.422 also replace "prior to" with "before" for consistency with the commission's style guidelines. In addition, the proposed revisions to §115.427 change "automobile refinishing" to "vehicle refinishing (body shops)" for consistency with other references to these types of operations, and add an exemption to exclude the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the Chapter 115 vehicle refinishing (body shops) emission specifications and control requirements. In concurrent action, the commission proposes to revise the definition of vehicle refinishing (body shops) by deleting the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the list of operations which are excluded from this definition.

The proposed change to §115.442, concerning Control Requirements, replaces "printing facility" with "printing press" to ensure the use of consistent terminology throughout the offset printing rules. The proposed changes to §115.446, concerning Monitoring and Recordkeeping Requirements, and §115.449, concerning Counties and Compliance Schedules, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.449 also delete the attainment dates for Dallas/Fort Worth and Houston/Galveston from the contingency rule. Elimination of the specific dates will not affect the validity of this contingency rule but will provide flexibility in the event that the attainment dates are changed in the future and will eliminate the need for a future rule change in that event.

The proposed changes to §115.532, concerning Control Requirements, and §115.536, concerning Monitoring and Record-keeping Requirements, replace "prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.533, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed changes to §115.537, concerning Exemptions, and §115.539, concerning Counties and Compliance Schedules, delete language which no longer applies because the compliance date has passed.

The proposed changes to §115.552, concerning Control Requirements, replace "prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.553, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed changes to §115.559, concerning Counties and Compliance Schedules, delete an inaccurate attainment date for El Paso and Houston/Galveston from the contingency rule. Elimination of the specific date will not affect the validity of this contingency rule in El Paso and Houston/Galveston but will provide flexibility in the event that the attainment date is changed in the future and will eliminate the need for a future rule change in that event. The proposed changes to §115.559 also add a separate paragraph for each nonattainment area which identifies more clearly the specific affected ozone nonattainment counties and the specific petroleum dry cleaning rules.

FISCAL NOTE. 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 and local governments as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT. Mr. Minick has also determined that for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of implementing the sections will be clarification of existing requirements and deletion of obsolete language. There is no anticipated cost to small businesses, persons, or businesses who are required to comply with the rules as proposed.

TAKINGS IMPACT ASSESSMENT. The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code Annotated §2007.043. The following is a summary of that assessment. The specific purpose of the rule amendments is to make a variety of changes which correct and update rule references, correct references to federal test methods, clarify control requirements, update terminology for consistency throughout Chapter 115, add exemptions to the VOC water separation rules to complete previous rulemaking, delete definitions which are no longer needed, delete the attainment date from the contingency rules to provide future flexibility, and delete language made obsolete by the passing of compliance dates. Promulgation and enforcement of these rule amendments will not affect private real property which is the subject of the rules because the rule changes do not impose new requirements.

PUBLIC HEARING. A public hearing on this proposal will be held in Austin on December 13, 1996 at 10:00 a.m. in Building

F, Room 2210 at the Texas Natural Resource Conservation Commission complex, located at 12100 North IH-35, Park 35 Technology Center, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes before the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Policy and Regulatory Development at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS. Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96164-115-A1. Comments must be received by 5:00 p.m., December 19, 1996. For further information, please contact Eddie Mack, Air Policy and Regulations Division, (512) 239-1488.

Subchapter A. Definitions

30 TAC §115.10

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

The proposed amendment implements the Health and Safety Code, §382.017.

§115.10. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Natural Resource Conservation Commission (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

[Delivery vessel/tank-truck tank - Any tank-truck or trailer that is equipped with a storage tank having a capacity greater than 1,000 gallons.]

Fugitive emission - Any volatile organic compound [gaseous or particulate contaminant] entering the atmosphere which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening [without first passing through a vent] designed to direct or control its flow.

Leak - a volatile organic compound concentration greater than the amount specified by applicable rule [10,000 parts per million by volume (ppmv)] or the dripping or exuding of process fluid based on sight, smell, or sound.

[Polyester resin materials - Unsaturated polyester resins, such as isophthalic, orthophthalic, halogenated, bisphenol A, vinyl ester, or furan resins; cross-linking agents; catalysts; gel coats; inhibitors; accelerators; promoters; and any other material containing VOC used in polyester resin operations.]

[Polyester resin operation - A facility which fabricates or reworks products by mixing, pouring, hand laying-up, impregnating, injecting, forming, winding, spraying, laminating, molding, curing, resin transfer, and/or pultrusion by using unsaturated polyester resin materials with fiberglass, fillers, or any other reinforcement materials.]

Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation - A SOCMI noncontinuous distillation operation in which a discrete quantity or batch of liquid feed is charged into a distillation unit and distilled at one time. After the initial charging of the liquid feed, no additional liquid is added during the distillation operation.

Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch process - Any SOCMI noncontinuous reactor process which is not characterized by steady-state conditions, and in which reactants are not added and products are not removed simultaneously.

Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation operation - A SOCMI [An] operation separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation unit - A SOCMI device or vessel in which distillation operations occur, including all associated internals (including, but not limited to, trays and packing), accessories (including, but not limited to, reboilers, condensers, vacuum pumps, and stream jets), and recovery devices (such as adsorbers, carbon absorbers, and condensers) which are capable of, and used for, recovering chemicals for use, reuse, or sale.

Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process - A SOCMI unit operation in which one or more chemicals, or reactants other than air, are combined or decomposed in such a way, that their molecular structures are altered and one or more new organic compounds are formed.

Tank-truck tank - Any tank-truck or trailer that is equipped with a storage tank having a capacity greater than 1,000 gallons.

[Utility engines - Small four-stroke and two-stroke, air or liquid cooled, gasoline, diesel, or alternative fuel powered engines under 25 horsepower. They are designed for powering lawn, garden, and turf maintenance implements, timber operations, generating electricity, and pumping fluids.]

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 a commercial operation other than the original manufacturer. The repair and recoating of trailers[,] and construction equipment[, vehicles at in-house (fleet) vehicle refinishing operations, and vehicles by private individuals] are 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), perchloroethylene (tetrachloroethylene), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23),

1,1,2-trichloro-1,2,2-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 (HCFC-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), perchlorobenzotrifluoride (PCBTF), cyclic, branched, or linear completely methylated siloxanes, acetone, 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee), 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 November 8, 1996.

TRD-9616281

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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, 115.119

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

The proposed amendments implement 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)-(E) (No change.)

(F) For external floating roof storage tanks, secondary [Secondary] seals shall be the rim-mounted type (the seal shall be continuous from the floating roof to the tank wall). The accumulated area of gaps that exceed 1/8 inch (0.32 cm) in width

between the secondary seal and tank wall shall be no greater than 1.0 in² per foot (21 cm²/meter) of tank diameter.

(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)-(E) (No change.)

(F) For external floating roof storage tanks, secondary [Secondary] seals shall be the rim-mounted type (the seal shall be continuous from the floating roof to the tank wall). The accumulated area of gaps that exceed 1/8 inch (0.32 centimeter) in width between the secondary seal and tank wall shall be no greater than 1.0 square inch per foot (21 square centimeters/meter) of tank diameter.

(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.

(1) For internal floating roof storage tanks, the internal floating roof and the primary seal or the secondary seal (if one is in service) shall be visually inspected through a fixed roof inspection hatch at least once every 12 months. If the internal floating roof is not resting on the surface of the volatile organic compounds (VOC) inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [Texas Natural Resource Conservation Commission (TNRCC)] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(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 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution

control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) (No change.)

(4) For external floating roof storage tanks, the secondary seal shall be visually inspected at least once every six months to ensure compliance with §115.112(a)(2)(E)-(F) [§115.112(a)(2)(E)-(H)] of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(b) For all persons in Gregg, Nueces, and Victoria 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 and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(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 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) (No change.)

(4) For external floating roof storage tanks, the secondary seal shall be visually inspected at least once every 12 months to insure compliance with §115.112(b)(2)(E)-(F) of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(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 and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(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 and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 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 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate [TNRCC] regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

§115.115. Approved Test Methods.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.112(a) of this title (concerning Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

(6) test method described in 40 CFR 60.113a(a)(1)(ii) (effective April 8, 1987) [60.113(a)(ii)] for measurement of storage tank seal gap;

(7)-(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.112(b) of this title shall be determined by applying the following test methods, as appropriate:

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

(6) test method described in 40 CFR 60.113a(a)(1)(ii) (effective April 8, 1987) [60.113(a)(ii)] for measurement of storage tank seal gap;

(7)-(8) (No change.)

§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)-(4) (No change.)

(5) All records shall be maintained for two years and be made available for review upon request by authorized representatives of the executive director [Texas Natural Resource Conservation Commission (TNRCC)], United States Environmental Protection Agency (EPA), or local air pollution control agencies.

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

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

(5) All records shall be maintained for two years and be made available for review upon request by authorized representatives of the executive director [TNRCC], EPA, or local air pollution control agencies.

§115.119. Counties and Compliance Schedules.

(a) All persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties affected by the requirement to calculate and report emissions resulting from secondary seal gaps that exceed 1/8 inch (0.32 cm) where the accumulated area of such gaps is greater than 1.0 square inch per foot (21 square centimeters per meter) of tank diameter as specified in §115.116(a)(2) of this title (relating to Monitoring and Recordkeeping Requirements) shall be in compliance with these calculation and emission reporting requirements beginning with the calendar year that starts on January 1, 1996.

(b) All persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties affected by the requirement to conduct annual visual inspections of internal floating roof storage tanks as specified in §115.114(a)(1) of this title (relating to Inspection Requirements) shall be in compliance with these inspection requirements as soon as practicable, but no later than March 7, 1997.

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

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Water Separation

30 TAC §§115.132, 115.136, 115.137

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

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

§115.132. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, no person shall use any single or multiple compartment volatile organic compound (VOC) water separator which separates materials containing VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC, unless each compartment is controlled in one of the following ways:

(1) the compartment has all openings sealed and totally encloses the liquid contents. All gauging and sampling devices shall be vapor-tight except during gauging or sampling. Emissions may be vented through a pressure relief valve, without vapor recovery, provided that the pressure relief valve is designed to open only as necessary to allow proper operation, and is set at the maximum possible pressure to minimize unnecessary venting. A pressure/vacuum vent designed to hold at least 0.5 ounce of vacuum and eight ounces of pressure, and operable, based on a visual inspection, is considered compliant. The roof seals, access doors, and other openings shall be well-sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through the pressure relief valve ;

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

(4) any water separator that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.137(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below the exemption limits unless and until emissions are reduced to at or below the controlled emissions level existing before [prior to] implementation of the project by which throughput or emission rate was reduced and less than the applicable exemption limits in §115.137(a) of this title; and

(A) (No change.)

(B) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [Texas Natural Resource Conservation Commission] 30 days' notice of the project in writing.

(b) For Gregg, Nueces, and Victoria Counties, no person shall use any single or multiple compartment VOC water separator which separates materials containing VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC, unless each compartment is controlled in one of the following ways:

(1) the compartment has all openings sealed and totally encloses the liquid contents. All gauging and sampling devices shall be vapor-tight, except during gauging or sampling. Emissions may be vented through a pressure relief valve, without vapor recovery, provided that the pressure relief valve is designed to open only as necessary to allow proper operation, and is set at the maximum possible pressure to minimize unnecessary venting. A pressure/vacuum vent designed to hold at least 0.5 ounce of vacuum and eight ounces of pressure, and operable, based on a visual inspection, is considered compliant. The roof seals, access doors, and other openings shall be well-sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through the pressure relief valve ;

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

(c) For Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, no person shall use any single or multiple compartment VOC water separator which separates materials containing VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC, unless each compartment is controlled in one of the following ways:

(1) the compartment has all openings sealed and totally encloses the liquid contents. All gauging and sampling devices shall be vapor-tight, except during gauging or sampling. Emissions may be vented through a pressure relief valve, without vapor recovery, provided that the pressure relief valve is designed to open only as necessary to allow proper operation, and is set at the maximum possible pressure to minimize unnecessary venting. A pressure/vacuum vent designed to hold at least 0.5 ounce of vacuum and eight ounces of pressure, and operable, based on a visual inspection, is considered compliant. The roof seals, access doors, and other openings shall be well-sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through the pressure relief valve ;

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

§115.136. Monitoring and Recordkeeping Requirements.

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

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

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request to representatives of the executive director [Texas Natural Resource Conservation Commission (TNRCC)], United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area.

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

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

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request to representatives of the executive director [TNRCC], EPA, or any local air pollution control agency having jurisdiction in the area.

§115.137. Exemptions.

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

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

(3) Any single or multiple compartment VOC water separator which is designed solely to capture stormwater, spills, or exterior surface cleanup waters is exempt from §115.132(a) of this title, provided that the separator is fully covered. These separators are not required to be equipped with pressure/vacuum vents or vapor recovery systems.

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply:

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

(5) Any single or multiple compartment VOC water separator which is designed solely to capture stormwater, spills, or exterior surface cleanup waters is exempt from §115.132(b) of this title, provided that the separator is fully covered. These separators are not required to be equipped with pressure/vacuum vents or vapor recovery systems.

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

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

(4) Any single or multiple compartment VOC water separator which is designed solely to capture stormwater, spills, or exterior surface cleanup waters is exempt from §115.132(c) of this title, provided that the separator is fully covered. These separators are not required to be equipped with pressure/vacuum vents or vapor recovery systems.

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

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Industrial Wastewater

30 TAC §§115.146, 115.147, 115.149

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

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

§115.146. Recordkeeping Requirements.

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any person who is the owner or operator of an affected source category within a plant shall comply with the following recordkeeping requirements.

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

(5) All records shall be maintained at the plant for at least 2 years and be made available upon request to representatives of the executive director [Texas Natural Resource Conservation Commission], United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction in the area.

§115.147. Exemptions.

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

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

(5) Wastewater components are exempt from the control requirements of §115.142 of this title if the overall control of VOC emissions at the account from wastewater from affected source categories is at least 90% less than the 1990 baseline emissions inventory, and the following requirements are met.

(A) The owner or operator of the wastewater component shall submit a control plan no later than March 15, 1995, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] Regional Office, and any local air pollution control program with jurisdiction, which demonstrates that the overall control of VOC emissions at the account from wastewater from affected source categories will be at least 90% less than the 1990 baseline emissions inventory by November 15, 1996. At a minimum, the control plan shall include the applicable emission point number (EPN); the facility identification number (FIN); the calendar year 1990 emission rates of wastewater from affected source categories (consistent with the 1990 emissions inventory); a plot plan showing the location, EPN, and FIN associated with a wastewater storage, handling, transfer, or treatment facility; and the projected calendar year 1996 VOC emission rates. The projected 1996 VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(B) In order to maintain exemption status under this paragraph, the owner or operator shall submit an annual report no later than March 31 of each year, starting in 1997, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction, which demonstrates that the overall control of VOC emissions at the account from wastewater from affected source categories during the preceding calendar year is at least 90% less than the 1990 baseline emissions inventory. At a minimum, the report shall include the EPN; FIN; the throughput of wastewater from affected source categories; a plot plan showing the location, EPN, and FIN associated with a wastewater storage, handling, transfer, or treatment facility; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 emissions inventory.

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the wastewater component submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the account from wastewater from affected source categories continues to be at least 90% less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(6) The owner or operator of wastewater components subject to the control requirements of §115.142 of this title may request an exemption determination from the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means for Control) if the overall control of VOC emissions at the account from wastewater from affected source categories is at least 80% less than the 1990 baseline emissions inventory, and the following requirements are met.

(A) Each request for an exemption determination shall be submitted to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction. Each request shall demonstrate that the overall control of VOC emissions at the account from wastewater from affected source categories will be at least 80% less than the 1990 baseline emissions inventory. The request shall include the applicable EPN; the FIN; the calendar year throughput of wastewater from affected source categories; the VOC emission rates; and a plot plan showing the location, EPN, and FIN associated with a wastewater storage, handling, transfer, or treatment facility. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(B) (No change.)

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the wastewater component submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the account from wastewater affected source categories continues to be at least 80% less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

§115.149. Counties and Compliance Schedules.

(a) (No change.)

(b) For Hardin, Jefferson, and Orange Counties, any person who is the owner or operator of an affected source category within a plant shall be in compliance with this undesignated head (relating to Industrial Wastewater) as soon as practicable, but no later than three

years, after the commission [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 NAAQS 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).

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

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◆ ◆ ◆
Municipal Solid Waste Landfills

30 TAC §§115.153, 115.156, 115.159

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

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

§115.153. Alternate Control Requirements.

For all persons in the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment areas, 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 Availability of Alternate Means of Control) [§§115.910-115.916 of this title (relating to Alternate Means of Control)] if emission reductions are demonstrated to be substantially equivalent.

§115.156. Monitoring and Recordkeeping Requirements.

For the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment areas, the following recordkeeping requirements shall apply.

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

(3) Each owner or operator of a MSWLF shall annually submit an emissions inventory report as required by §101.10 of this title (relating to Emissions Inventory Requirements). This report shall include:

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

(E) notification of closure.

(i) For purposes of this subchapter, closure means that waste is no longer being placed in the landfill, and no additional wastes will be placed in the landfill without filing a notification of modification, as prescribed by the commission [TNRCC].

(ii) (No change.)

§115.159. *Counties and Compliance Schedule.*

(a) All affected municipal solid waste landfills (MSWLFs) in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with this undesignated head (relating to **Municipal Solid Waste Landfills**) as soon as practicable, but no later than May 31, 1996.

(b) All affected MSWLFs in El Paso County shall be in compliance with this undesignated head (relating to **Municipal Solid Waste Landfills**) as soon as practicable, but no later than November 15, 1996.

(c) All affected MSWLFs in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with this undesignated head (relating to **Municipal Solid Waste Landfills**) as soon as practicable, but no later than one year, after the commission [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 (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).

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◆ ◆ ◆
Subchapter . Volatile Organic Compound Transfer Operations

Loading and Unloading of Volatile Organic Compounds

30 TAC §§115.211, 115.212, 115.214-115.217, 115.219

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

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

§115.211. *Emission Specifications.*

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

(1) [Emission limitations for gasoline terminals, as defined in §115.10 of this title, are as follows.]

[(A) Volatile organic compound (VOC) emissions from gasoline terminals shall be reduced to a level not to exceed 0.33 pound of VOC from the vapor recovery system vent per 1,000 gallons (40 mg/liter) of gasoline transferred; and]

[(B) After November 15, 1996,] Volatile organic compound (VOC) [VOC] emissions from gasoline terminals shall be reduced to a level not to exceed 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons (10.8 mg/liter) of gasoline transferred.

(2) (No change.)

(3) [After November 15, 1996 in] In the Houston/Galveston area, VOC emissions from marine terminals, as defined in §115.10 of this title, shall be reduced to a level not to exceed 0.09 pounds of VOC from the vapor recovery system vent per 1,000 gallons (10.8 mg/liter) of VOC loaded into the marine vessel or maintain an overall process control efficiency of at least 90%.

(b) (No change.)

§115.212. *Control Requirements.*

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

[(1) Until November 15, 1996 at volatile organic compound (VOC) loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, no person shall permit the loading of VOC with a true vapor pressure greater than or equal to 1.5 pounds per square inch absolute (psia) under actual storage conditions to transport vessels unless the vapors are processed by a vapor recovery system or are controlled by a vapor balance system, as defined in §115.10 of this title (relating to Definitions). The vapor recovery system shall control the VOC emissions such that the aggregate true vapor pressure of all VOC does not exceed 1.5 psia.]

(1) [(2)] [After November 15, 1996 at] At volatile organic compound (VOC) [VOC] loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, no person shall permit the loading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions to transport vessels unless the vapors are processed by a vapor recovery system or are controlled by a vapor balance system, as defined in §115.10 of this title (relating to Definitions). The vapor recovery system shall maintain a control efficiency of at least 90%.

[(3) Until November 15, 1996, no person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas.]

(2) [(4)] [After November 15, 1996, no] No person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions from any transport vessel unless the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the

Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas.

(3) [(5)] All land-based loading and unloading of VOC shall be conducted such that:

(A) All liquid and vapor lines are:

(i) equipped with fittings which make vapor-tight connections that close automatically when disconnected; or

(ii) equipped to permit residual VOC in the loading line after loading is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor recovery system or a vapor balance system.

(B) There are no VOC leaks, as defined in §115.10 of this title, when measured with a hydrocarbon gas analyzer, and no liquid or vapor leaks, as detected by sight, sound, or smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

(C) All gauging and sampling devices are vapor-tight except for necessary gauging and sampling. Any nonvapor-tight gauging and/or sampling shall:

(i) be limited in duration to the time necessary to practicably gauge and/or sample; and

(ii) not occur while VOC is being transferred.

(D) Any openings in a transport vessel during unloading are limited to minimum openings which are sufficient to prevent collapse of the transport vessel.

(4) [(6)] When loading is effected through the hatches of a transport vessel with a loading arm equipped with a vapor collection adapter, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided which prevents liquid drainage from the loading device when it is removed from the hatch of any transport vessel, or which routes all VOC emissions to a vapor recovery system.

(5) [(7)] No person shall permit the loading of gasoline to a transport vessel from a gasoline terminal unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title. Vapor recovery systems and loading equipment at gasoline terminals shall be designed and operated such that gauge pressure does not exceed 18 inches of water (4.5 kPa) and vacuum does not exceed six inches of water (1.5 kPa) in the gasoline tank-truck.

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

(A) a vapor return line is installed from the storage tank to the transport vessel;

(B) the only atmospheric emission during gasoline transfer is through the storage tank's pressure-vacuum relief valve resulting from emergency situations when pressures exceed the specifications in paragraph (7)(C) [(9)(C)] of this section; and

(C) the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel are discharged to a vapor recovery system, if the transport vessel is refilled, degassed,

and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas.

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

(A) the transport vessel, if equipped for top loading, has a submerged fill pipe;

(B) a vapor return line is installed from the transport vessel to the storage tank;

(C) gauge pressure does not exceed 18 inches of water (4.5 kPa) and vacuum does not exceed six inches of water (1.5 kPa) in the gasoline tank-truck tank; and

(D) the only atmospheric emission during gasoline transfer is through the storage tank pressure-vacuum relief valves resulting from emergency situations when pressures exceed the specification in subparagraph (C) of this paragraph.

(8) [(10)] [After November 15, 1996 for] For marine terminals in the Houston/Galveston area, the following control requirements shall apply.

(A) Control device(s) shall reduce VOC emissions by at least 90% by weight from uncontrolled conditions or to a level not to exceed 0.09 pounds of VOC from the vapor recovery system vent per 1,000 gallons (10.8 mg/liter) of VOC loaded.

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

(C) All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling. Any nonvapor-tight gauging and/or sampling shall:

(i) be limited in duration to the time necessary to practicably gauge and/or sample; and

(ii) not occur while VOC is being transferred.

(9) [(11)] [After November 15, 1996 for] For gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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 system serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(10) [(12)] Any loading or unloading operation that becomes subject to the provisions of this subsection by exceeding provisions of §115.217(a) of this title (relating to Exemptions) will remain subject to the provision of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to at or below the controlled emissions level existing before [prior to] implementation of the project by which throughput or emission rate was reduced and less than the applicable exemption limits in §115.217(a) of this title; and

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 of this title. If a standard exemption is available for the project, compliance

with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

(B) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [Texas Natural Resource Conservation Commission (TNRCC)] 30 days notice of the project in writing.

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

§115.214. Inspection Requirements.

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

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

(4) [After November 15, 1996 for] For marine terminals in the Houston/Galveston area, the following inspection requirements shall apply.

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

(E) All shore-based equipment is subject to the fugitive emissions monitoring requirements of §§115.352-115.357 and 115.359 of this title (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes). For the purposes of this paragraph, shore-based equipment includes, but is not limited to, all equipment such as loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves between the marine loading facility and the vapor recovery system and between the marine loading facility and the associated land-based storage tanks, excluding working emissions from the storage tanks.

(5) [After November 15, 1996, each] Each gasoline terminal, as defined in §115.10 of this title, in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall perform a monthly leak inspection of all equipment in gasoline service. Each piece of equipment shall be inspected during the loading of gasoline tank trucks. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Alternatively, gasoline terminals may use a hydrocarbon gas analyzer for the detection of leaks, by meeting the requirements of §§115.352-115.357 and 115.359 of this title. Every reasonable effort shall be made to repair or replace a leaking component within 15 days after a leak is found. If the repair or replacement of a leaking component would require a unit shutdown, the repair may be delayed until the next scheduled shutdown.

(b) (No change.)

§115.215. Approved Test Methods.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.211(a) and §115.212(a) of this title (relating to Emission Specifications; and Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1)-(7) (No change.)

(8) 40 CFR 63.565(c) (effective September 19, 1995) or 40 CFR 61.304(f) (effective April 3, 1990) for determination of marine vessel vapor tightness [cargo tank pressurization];

(9)-(10) (No change.)

(b) (No change.)

§115.216. Monitoring and Recordkeeping Requirements.

(a) For volatile organic compound (VOC) loading or unloading operations in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211(a) or §115.212(a) of this title (relating to Emission Specifications; and Control Requirements), the owner or operator shall maintain the following information at the plant as defined by its [Texas Natural Resource Conservation Commission (TNRCC)] air quality account number for at least two years and shall make such information available upon request to representatives of the executive director, [TNRCC], United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area:

(1) A daily record of the total throughput of VOC loaded at the plant as defined by its [TNRCC] air quality account number.

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

(6) [After November 15, 1996 for] For marine terminals in the Houston/Galveston area:

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

(7)-(8) (No change.)

(b) For VOC loading or unloading operations in Victoria County, the owner or operator shall maintain the following information at the plant as defined by its [TNRCC] air quality account number for at least two years and shall make such information available upon request to representatives of the executive director [TNRCC], EPA, or any local air pollution control agency having jurisdiction in the area:

(1) A daily record of the total throughput of VOC loaded at the plant as defined by its [TNRCC] air quality account number.

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

§115.217. Exemptions.

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

[(1) Until November 15, 1996, all loading and unloading of volatile organic compounds (VOC) with a true vapor pressure less than 1.5 pounds per square inch absolute (psia) (10.3 kPa) under actual storage conditions is exempt from the requirements of §115.212(a) of this title (relating to Control Requirements).]

(1) [(2)] [After November 15, 1996, all] All loading and unloading of volatile organic compounds (VOC) [VOC] with a true vapor pressure less than 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title (relating to Control Requirements).

[(3) Until November 15, 1996, any plant, as defined by its Texas Natural Resource Conservation Commission (TNRCC) air quality account number, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title. The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(a)(2) of this title (as in effect October 16, 1992) from the control requirements of this undesignated head, and which does not otherwise qualify for exemption under this paragraph, shall:]

[(A) submit a plan by September 15, 1994 to achieve compliance with the control requirements of this undesignated head as soon as practicable, but no later than November 15, 1996;]

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

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

(2) [(4)] [After November 15, 1996, any] Any plant, as defined by its [TNRCC] air quality account number, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions is exempt from the requirements of §115.212(a) of this title.

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

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

(A) all unloading of marine vessels; and

(B) all loading of marine vessels in ozone nonattainment areas other than the Houston/Galveston area.[:]

[(C) until November 15, 1996 in the Houston/Galveston area, all loading of marine vessels; and]

[(D) until November 15, 1996, all land-based loading and unloading of crude oil and condensate.]

(5) [(7)] Gasoline bulk plants which have a gasoline throughput less than 4,000 gallons (15,142 liters) per day averaged over any consecutive 30-day period are exempt from the provisions of §115.211(a)(2), §115.212(a)(7) [§115.212(a)(9)], and §115.216(a)(4) of this title (relating to Emission Specifications; Control Requirements; and Monitoring and Recordkeeping Requirements).

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

(A) The owner or operator of the VOC loading operation shall submit a control plan no later than September 15, 1994, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions will be at least 90% by November 15, 1996. For each loading rack and any associated control device at the account, the control plan shall include the emission point number (EPN), the facility identification number (FIN), the calendar year 1993 throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions, a plot plan showing the location,

EPN, and FIN of each loading rack and any associated control device, and the calendar year 1993 controlled and uncontrolled emission rates.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year, starting in 1997, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions during the preceding calendar year is at least 90% after November 15, 1996. For each loading rack and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

(C) The owner or operator of the VOC loading operation shall submit an updated report no later than 30 days after the installation of an additional loading rack(s) or any change in service of a loading rack(s) from loading VOC with a true vapor pressure less than 0.5 psia to loading VOC with a true vapor pressure greater than or equal to 0.5 psia, or vice versa. The report shall be submitted to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction and shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%.

(D) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(7) [(9)] The owner or operator of a VOC loading operation subject to the control requirements of §115.212(a)(1) [or (2)] of this title may request an exemption determination from the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 0.5 and 11 psia under actual storage conditions is at least 80%, and the following requirements are met.

(A) Each request for an exemption determination shall be submitted no later than September 15, 1994, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appro-

priate [TNRCC] regional office, and any local air pollution control program with jurisdiction. Each such request shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions is at least 80%. For each loading rack and any associated control device at the account, the request shall include the emission point number (EPN), the facility identification number (FIN), the calendar year throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions, the controlled and uncontrolled emission rates, and a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device.

(B) The executive director shall approve the exemption for specific VOC loading operations if it is determined to be economically unreasonable to control the associated emissions subject to these rules, all reasonable controls are applied, and the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions is at least 80%. The executive director may subsequently direct the holder of an exemption under this paragraph to reapply for their exemption if there is good cause to believe that it has become economically reasonable to meet the requirements of the applicable rule(s). Within three months of an executive director request, the holder of an exemption under this paragraph shall reapply for their exemption. If the reapplication for an exemption is denied, the holder of the exemption shall meet the requirements of the applicable rule(s) as soon as practicable, but no later than two years from the date of denial.

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 80%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(8)[(10)] The following marine loading operations are exempt from the requirements of §115.211(a) and §115.212(a) of this title:

(A) marine terminals with uncontrolled marine loading VOC emissions less than 100 tons per year. Emissions from marine vessel loading operations which were routed to a control device that was installed as of November 15, 1993, are excluded from this calculation. Compliance with this exemption shall be demonstrated through the recordkeeping and reporting requirements of the annual emissions inventory submitted by the owner or operator of the marine terminal;

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

(C) marine loading operations which use a vapor balance system to control emissions from the marine vessel to fixed

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

(D) non-dedicated loading lines when commodities with a true vapor pressure less than 0.5 psia are transferred, provided that after transfer of VOC with a true vapor pressure greater than or equal to 0.5 psia these non-dedicated loading lines are cleaned, purged, and the residual vapors controlled of VOC with a true vapor pressure greater than or equal to 0.5 psia; and

(E) all throughput of VOC with a flash point of 150°F or greater loaded into marine vessels.

(9) [(11)] Marine terminals are exempt from the control requirements of §115.211(a)(3) and §115.212(a)(8)(A) [§115.212(a)(10)(A)] of this title if the overall control of emissions at the marine terminal from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions into marine vessels is at least 90%, and the following requirements are met.

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

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

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will

cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the marine terminal submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the marine terminal from the loading into marine vessels of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

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

(1) (No change.)

(2) Any plant, as defined by its [TNRCC] air quality account number, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(b) of this title. [The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(b)(2) of this title (as in effect October 16, 1992) from the control requirements of this undesignated head, and which does not otherwise qualify for exemption under this paragraph, shall:]

[(A) submit a plan by September 15, 1994 to achieve compliance with the control requirements of this undesignated head as soon as practicable, but no later than November 15, 1996;]

[(B) qualify for the exemption under paragraph (4) of this section; or]

[(C) apply for the exemption under paragraph (5) of this section no later than September 15, 1994.]

(3) (No change.)

(4) VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals are exempt from the control requirements of §115.212(b)(1) of this title if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 90%, and the following requirements are met:

(A) The owner or operator of the VOC loading operation shall submit a control plan no later than September 15, 1994, to the [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions will be at least 90% by November 15, 1996. For each loading rack and any associated control device at the account, the control plan shall include the emission point number (EPN), the facility identification number (FIN), the calendar year 1993 throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions, a plot plan showing the location,

EPN, and FIN of each loading rack and any associated control device, and the calendar year 1993 controlled and uncontrolled emission rates.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year, starting in 1997, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions during the preceding calendar year is at least 90% after November 15, 1996. For each loading rack and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

(C) The owner or operator of the VOC loading operation shall submit an updated report no later than 30 days after the installation of an additional loading rack(s) or any change in service of a loading rack(s) from loading VOC with a true vapor pressure less than 1.5 psia to loading VOC with a true vapor pressure greater than or equal to 1.5 psia, or vice versa. The report shall be submitted to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction and shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%.

(D) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(5) The owner or operator of a VOC loading operation subject to the control requirements of §115.212(b)(1) of this title may request an exemption determination from the executive director if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 80%, and the following requirements are met:

(A) Each request for an exemption determination shall be submitted no later than September 15, 1994, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction. Each such request shall demonstrate that

the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 80%. For each loading rack and any associated control device at the account, the request shall include the emission point number (EPN), the facility identification number (FIN), the calendar year throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions, the controlled and uncontrolled emission rates, and a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device.

(B) (No change.)

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 80%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

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

(1) (No change.)

(2) Any plant, as defined by its [TNRCC] air quality account number, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(c) of this title. [The owner or operator of any VOC loading operation for which the VOC loading operation was previously exempt under §115.217(c)(2) of this title (as in effect October 16, 1992) from the control requirements of this undesignated head, and which does not otherwise qualify for exemption under this paragraph, shall:]

[(A) submit a plan by September 15, 1994 to achieve compliance with the control requirements of this undesignated as soon as practicable, but no later than November 15, 1996.]

[(B) qualify for the exemption under paragraph (4) of this section; or]

[(C) apply for the exemption under paragraph (5) of this section no later than September 15, 1994.]

(3) (No change.)

(4) VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals are exempt from the control requirements of §115.212(c)(1) of this title if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 90%, and the following requirements are met:

(A) The owner or operator of the VOC loading operation shall submit a control plan no later than September 15, 1994, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions will be at least 90% by November 15, 1996. For each loading rack and any associated control device at the account, the control plan shall include the emission point number (EPN), the facility identification number (FIN), the calendar year 1993 throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the calendar year 1993 controlled and uncontrolled emission rates.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year, starting in 1997, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions during the preceding calendar year is at least 90% after November 15, 1996. For each loading rack and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

(C) The owner or operator of the VOC loading operation shall submit an updated report no later than 30 days after the installation of an additional loading rack(s) or any change in service of a loading rack(s) from loading VOC with a true vapor pressure less than 1.5 psia to loading VOC with a true vapor pressure greater than or equal to 1.5 psia, or vice versa. The report shall be submitted to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction and shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%.

(D) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(5) The owner or operator of a VOC loading operation subject to the control requirements of §115.212(c)(1) of this title may request an exemption determination from the Executive Director if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 80%, and the following requirements are met:

(A) Each request for an exemption determination shall be submitted no later than September 15, 1994, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction. Each such request shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions is at least 80%. For each loading rack and any associated control device at the account, the request shall include the emission point number (EPN), the facility identification number (FIN), the calendar year throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions, the controlled and uncontrolled emission rates, and a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device.

(B) (No change.)

(C) All representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 80%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

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

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

(4) All affected gasoline terminals in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller Counties shall be in compliance with §115.212(a)(11) [§115.211(a)(11)], §115.214(a)(5), and §115.216(a)(7) of this title as soon as practicable, but no later than November 15, 1996.

(5) (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 November 8, 1996.

TRD-9616286

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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

Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

30 TAC §§115.221-115.223, 115.226

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

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

§115.221. Emission Specifications.

No person 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) shall transfer, or allow the transfer of, gasoline from any tank-truck tank [delivery vessel] into a stationary storage container which is located at a motor vehicle fuel dispensing facility, unless the displaced vapors from the gasoline storage container are controlled by one of the following:

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

§115.222. Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, a vapor balance system will be assumed to comply with the specified emission limitation of §115.221 of this title (relating to Emission Specifications) if the following conditions are met:

(1)-(6) (No change.)

(7) the tank-truck tank [delivery vessel] is kept vapor-tight at all times until the captured vapors are discharged to a vapor recovery system, if the tank-truck tank [delivery vessel] is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas;

(8)-(11) (No change.)

§115.223. Alternate Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.226. Recordkeeping Requirements.

For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any motor vehicle fuel dispensing facility subject to the control requirements of this section shall:

(1) maintain a record at the facility site of the dates on which gasoline was delivered to the dispensing facility and the identification [leak test certification] number and date of the last leak testing, required by §115.224(2) of this title (relating to Inspection Requirements), of each tank-truck tank [delivery vessel] from which gasoline was transferred to the facility. The records shall be kept for a period of two years; and

(2) (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 November 8, 1996.

TRD-9616287

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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

◆ ◆ ◆
Control of Reid Vapor Pressure of Gasoline

30 TAC §115.253, §115.256

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

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

§115.253. Alternate Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.256. Recordkeeping Requirements.

For the El Paso area, the owner or operator of any gasoline storage vessel, gasoline terminal, or gasoline bulk plant affected by the provisions of §115.252 of this title (relating to Control Requirements) shall maintain records of the Reid vapor pressure of all gasoline stored or transferred during the compliance period. All records shall be maintained for two years and be made available for review by representatives of the executive director [Texas Natural Resource Conservation Commission], the United States Environmental Protection Agency, and local air pollution control agencies.

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 November 8, 1996.

TRD-9616537

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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

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Subchapter D. Petroleum Refining, Natural Gas Processing, and Petrochemical Refineries

The commission proposes amendments to §§115.322-115.327 and 115.329, concerning Fugitive Emission Control in Petroleum Refineries; and §§115.352, 115.353, 115.354, 115.356, and 115.357, concerning Fugitive Emission Control in Petroleum Refining and Petrochemical Processes. The commission also proposes the repeal of §§115.332-115.337 and 115.339, concerning Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes; and §§115.342-115.347 and 115.349, concerning Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.

EXPLANATION OF PROPOSED RULE. The commission proposes these revisions to Chapter 115, concerning Control of Air Pollution from Volatile Organic Compounds (VOC), and to the State Implementation Plan (SIP) in order to make a variety of changes which correct and update rule references, clarify control requirements, delete two work practice requirements (directed maintenance and instrument monitoring of leaks detected by sight/sound/smell) which appear to be less effective than previously thought, and delete rules and language made obsolete by the passing of compliance dates. The commission also proposes to change the title of Subchapter D from Petroleum Refining and Petrochemical Processes to Petroleum Refining, Natural Gas Processing, and Petrochemical Operations to more accurately reflect the content of this subchapter. A second phase of rulemaking is expected in 1997 to address additional issues regarding the fugitive monitoring rules.

The proposed repeal of §§115.332-115.337 and 115.339; §§115.342-115.347 and 115.349; and the proposed amendments to §§115.322-115.327 and 115.329, delete the requirements which apply in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas. The requirements for these nonattainment areas are being superseded by the requirements of §§115.352-115.357, concerning Fugitive Emission Control in Petroleum Refining, Natural Gas Processing, and Petrochemical Processes, effective November 15, 1996. The new requirements provide emission reductions required by the Federal Clean Air Act in order to reduce urban ozone pollution. Repeal of the old requirements is necessary to prevent duplicative requirements. The requirements of §§115.322-115.327 and 115.329, which apply in Gregg, Nueces, and Victoria Counties, will continue to be in effect.

The proposed changes to §115.322, concerning Control Requirements, also modify the absolute prohibition of a component leak in paragraphs (1)-(2) by revising the leak prohibition of paragraph (1) to specify that component leaks shall not continue for more than 15 days after a leak is found. The proposed changes to §115.322 also replace the requirement (found in §115.324(b)(6), concerning Inspection Requirements) that leaking components be monitored with a hydrocarbon gas analyzer immediately after repair with a requirement to make a first attempt at repair within five calendar days of leak detection, with the component considered repaired when it is monitored after repairs and shown to no longer have a leak. Federal rules and guidance have been unclear as to whether follow-up monitoring is required within the fifteen-day period to confirm that a repair has occurred. The proposal reduces the potential for inadvertent noncompliance, and is consistent with the proposed federal rulemaking clarification of August 26, 1996. In addition, the proposed changes to §115.323, concerning Alternate Control Requirements, §115.324, concerning Inspection Requirements, §115.326, concerning Recordkeeping Requirements, and §115.327, concerning Exemptions, update rule references which must be changed due to the deletion of the requirements of §§115.322-115.327 which currently apply in the ozone nonattainment areas. The proposed changes to §115.323 also update a reference to §115.910 to reflect a title change. The proposed changes to §115.324 also clarify that alternate monitoring schedules apply to valve monitoring. In addition, the proposed change to §115.325 also add the effective date of a referenced federal test method for consistency with the commission's style guidelines. In addition, the proposed changes to §115.329, concerning Counties and Compliance Schedules, delete language made obsolete by the passing of a July 31, 1993, compliance date. Finally, the proposed changes to §§115.323, 115.324, 115.326, and 115.327 revise references to TNRCC and the executive director for consistency with the commission's style guidelines.

The proposed change to §115.352(1), concerning Control Requirements, clarifies that paragraph (2) contains an exception to the requirement to repair all component leaks within 15 days after the leak is found. The proposed changes to §115.352 and §115.354, concerning Inspection Requirements, also delete the requirement that the repair of valves be accompanied by the simultaneous use of an organic vapor analyzer (OVA). This type of repair is commonly known as "directed maintenance" and is proposed for deletion due to a variety of difficulties reported concerning implementation of directed maintenance. The VOC emission reduction credit for the SIP will not change because the emission reductions were based upon the more stringent leak definition (500 parts per million by volume (ppmv), except for pump seals and compressor seals), and not upon the directed maintenance requirement. Directed maintenance is proposed to be replaced with a requirement to make a first attempt at repair within five calendar days of leak detection, with the component considered repaired when it is monitored after repairs and shown to no longer have a leak. Federal rules and guidance have been unclear as to whether follow-up monitoring is required within the fifteen-day period to confirm that a repair has occurred. The proposal reduces the potential for inadvertent noncompliance, and is consistent with the proposed federal rulemaking clarification of August 26, 1996. A staff issue paper

on directed maintenance is available and may be obtained by contacting the agency staff member identified at the end of this notice.

The proposed change to §115.353, concerning Alternate Control Requirements, updates a reference to §115.910 to reflect a title change. The proposed changes to §115.354 delete the requirement for monitoring (with an OVA) all components found to be leaking via sight/sound/smell, because these components must be repaired or placed on the shutdown list regardless of the concentration. Also, the proposed changes to the leak skip provisions of §115.354(7) clarify that valves in ethylene, propane, or propylene service which have been classified under §115.357(8), concerning Exemptions, as non-repairable beyond the second attempt to repair at 500 ppmv will continue to count against the 2.0% leaking valves limit. In addition, the proposed changes to §115.354 clarify that alternate monitoring schedules apply to valve monitoring and allow alternate monitoring schedules previously approved under the sections proposed for repeal (§§115.324(a)(8)(A), 115.334(3)(A), and 115.344(3)(A), concerning Inspection Requirements) to continue to be approved monitoring schedules under §115.354.

The proposed changes to §115.356, concerning Recordkeeping Requirements, clarify that "the test method used" refers to the test method used to determine a component leak: either United States Environmental Protection Agency Test Method 21, or sight/sound/smell. The proposed changes to §115.357 clarify that pressure relief valves equipped with a rupture disk are exempt under §115.357(2) provided they meet the requirements of §115.352(9), and correct a typographical error. In addition, the proposed changes to §115.354 and §115.356 revise references to TNRCC and the executive director for consistency with the commission's style guidelines. Finally, the commission proposes to change the title of the undesignated head to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes to more accurately reflect the content of this subchapter.

FISCAL NOTE. 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 and local governments as a result of enforcing or administering the proposed amendments and repeals.

PUBLIC BENEFIT. Mr. Minick also has determined that for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of implementing the sections will be a more understandable, enforceable, and cost-effective regulation. There is no anticipated cost to small businesses, persons, or businesses who are required to comply with the rules as proposed.

TAKINGS IMPACT ASSESSMENT. The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code Annotated Section 2007.043. The following is a summary of that assessment. The specific purpose of the rule amendment is to make a variety of changes which correct and update rule references, clarify control requirements, delete ineffective requirements, and delete rules and language made obsolete by the passing of compliance dates. Promulgation and enforcement of these rule amendments will not affect

private real property which is the subject of the rule because the rule changes do not impose new requirements.

PUBLIC HEARING. A public hearing on this proposal will be held in Austin on December 13, 1996 at 10:00 a.m. in Building F, Room 2210 at the Texas Natural Resource Conservation Commission complex, located at 12100 North IH-35, Park 35 Technology Center, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes before the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Policy and Regulatory Development at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS. Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96165-115-A1. Comments must be received by 5:00 p.m., December 19, 1996. Copies of a staff issue paper on directed maintenance may be obtained from Heather Evans, (512) 239-1970. For further information, please contact Eddie Mack, Air Policy and Regulations Division, (512) 239-1488.

Fugitive Emission Control in Petroleum Refineries 30 TAC §§115.322-115.327, 115.329

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

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

§115.322. *Control Requirements.*

[(a) 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, as defined in §115.10 of this title, without complying with the following requirements:]

[(1) No component shall be allowed to have a volatile organic compound (VOC) leak as defined in §115.10 of this title (relating to Definitions).]

[(2) All technically feasible repairs to a leaking component, as specified in paragraph (1) of this subsection, shall be made within 15 days after the leak is found. If the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled shutdown.]

[(3) All leaking components, as defined in paragraph (1) of this subsection, which cannot be repaired until the unit is shut down for turnaround shall be identified for such repair by tagging. The executive director at his discretion may require early unit turnaround

or other appropriate action based on the number and severity of tagged leaks awaiting turnaround.]

[(4) Except for safety pressure relief valves, no valves shall be installed or operated at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken or during maintenance operations, and when closing the line, the upstream valve shall be closed first.]

[(5) Pipeline valves and pressure relief valves in gaseous VOC service shall be marked in some manner that will be readily obvious to monitoring personnel.]

[(b)] For Gregg, Nueces, and Victoria Counties, no person shall operate a petroleum refinery without complying with the following requirements:

(1) No component shall be allowed to have a volatile organic compound (VOC) [VOC] leak as defined in §115.10 of this title (relating to Definitions) for more than 15 calendar days after the leak is found, except as provided in paragraph (2) of this section.

(2) A first attempt at repair shall be made no later than five calendar days after the leak is found, and the component [All technically feasible repairs to a leaking component, as specified in paragraph (1) of this subsection], shall be repaired [made] no later than [within] 15 calendar days after the leak is found, unless the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate. A component in gas/vapor or light liquid service is considered to be repaired when it is monitored with an instrument using Test Method 21 and shown to no longer have a leak after adjustments or alterations to the component. A component in heavy liquid service is considered to be repaired when it is monitored by audio, visual, and olfactory means and shown to no longer have a leak after adjustments or alterations to the component. If the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled shutdown.

(3) All leaking components, as defined in paragraph (1) of this section [subsection], which cannot be repaired until the unit is shut down for turnaround shall be identified for such repair by tagging. The executive director at his discretion may require early unit turnaround or other appropriate action based on the number and severity of tagged leaks awaiting turnaround.

(4)-(5) (No change.)

§115.323. *Alternate Control Requirements.*

[(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following alternate control techniques may apply:]

[(1) 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.]

[(2) The executive director of the Texas Natural Resource Conservation Commission (TNRCC) may approve an alternate monitoring method if the refinery operator can demonstrate that the alter-

nate monitoring method satisfies the conditions of §115.324(a)(8) of this title (relating to Inspection Requirements). Any request for an alternate monitoring method must be made in writing to the executive director.]

[(b)] For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply:

(1) 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 **Availability of Alternate Means of Control**) if emission reductions are demonstrated to be substantially equivalent.

(2) The executive director [of the TNRCC] may approve an alternate monitoring method if the refinery operator can demonstrate that the alternate monitoring method satisfies the conditions of §115.324(7) [§115.324(b)(8)] of this title (**relating to Inspection Requirements**). Any request for an alternate monitoring method must be made in writing to the executive director.

§115.324. *Inspection Requirements.*

[(a)] For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions.]

[(1)] Measure yearly (with a hydrocarbon gas analyzer) the emissions from all:]

[(A)] process drains; and]

[(B)] all valves elevated more than two meters above any permanent structure.]

[(2)] Measure quarterly (with a hydrocarbon gas analyzer) the emissions from all:]

[(A)] compressor seals;]

[(B)] pump seals;]

[(C)] pipeline valves in liquid service;]

[(D)] pipeline valves in gaseous service; and]

[(E)] pressure relief valves in gaseous service.]

[(3)] Visually inspect, weekly, all pump seals.]

[(4)] Measure (with a hydrocarbon gas analyzer) the emissions from any component, except those exempted by §115.327(a)(1)-(2) of this title (relating to Exemptions), whenever a potential leak is detected by sight, sound, or smell.]

[(5)] Measure (with a hydrocarbon gas analyzer) emissions from any relief valve which has vented to the atmosphere within 24 hours.]

[(6)] Measure (with a hydrocarbon gas analyzer) immediately after repair, the emissions from any component that was found leaking.]

[(7)] Upon the detection of a leaking component, shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired.]

[(8)] The monitoring schedule of paragraphs (1)-(3) of this subsection may be modified as follows.]

[(A)] After completion of the required annual and quarterly inspections for a period of at least two years, the operator of a refinery may request in writing to the Texas Natural Resource Conservation Commission (TNRCC) that the monitoring schedule be revised based on the percent of valves leaking. The percent of valves leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed by the total number of valves subject to the requirements. This request shall include all data that have been developed to justify the following modifications in the monitoring schedule.]

[(i)] after two consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in gas/vapor and light liquid service;]

[(ii)] after five consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.]

[(iii)] Leak detection skip period requirements for any New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants may be substituted for clauses (i) and (ii) of this subparagraph.]

[(B)] If the executive director of the TNRCC determines that there is an excessive number of leaks in any given process area, he may require an increase in the frequency of monitoring for that process area of the refinery.]

[(b)] For Gregg, Nueces, and Victoria Counties, the owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

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

(4) Measure (with a hydrocarbon gas analyzer) the emissions from any component, except those exempted by §115.327(2)-(3) [§115.327(b)(2)-(3)] of this title (**relating to Exemptions**), whenever a potential leak is detected by sight, sound, or smell.

(5) (No change.)

[(6)] Measure (with a hydrocarbon gas analyzer) immediately after repair, the emissions from any component that was found leaking.]

(6) [(7)] Upon the detection of a leaking component, shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired.

(7) [(8)] The monitoring schedule of paragraphs (1)-(3) of this section [subsection] may be modified as follows:

(A) After completion of the required [annual and] quarterly valve monitoring [inspections] for a period of at least two years, the operator of a refinery may request in writing to the executive director [TNRCC] that the valve monitoring schedule be revised based on the percent of valves leaking. The percent of valves leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed by the total number of valves subject to the requirements.

This request shall include all data that have been developed to justify the following modifications in the monitoring schedule:

(i) after two consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in gas/vapor and light liquid service;

(ii) after five consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(iii) Leak detection skip period requirements for any New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants may be substituted for clauses (i) and (ii) of this subparagraph.

(B) If the executive director [of the TNRCC] determines that there is an excessive number of leaks in any given process area, he may require an increase in the frequency of monitoring for that process area of the refinery.

§115.325. Testing Requirements.

(a) 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 Refineries) shall be determined by applying the following test methods, as appropriate:]

(1) Test Method 21 (40 CFR 60, Appendix A) for determining volatile organic compound leaks. The leak detection equipment can be calibrated with methane, propane, or hexane, but the meter readout must be as parts per million by volume (ppmv) hexane;]

(2) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for 68 degrees Fahrenheit (20 degrees Centigrade) in accordance with API Publication 2517, Third Edition, 1989; or]

(3) minor modifications to these test methods approved by the executive director.]

[(b)] For all affected persons in Gregg, Nueces, and Victoria Counties, compliance with this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) shall be determined by applying the following test methods, as appropriate:

(1) Test Method 21 (40 CFR 60, Appendix A, effective 6/22/90) for determining volatile organic compound (VOC) [VOC] leaks. The leak detection equipment can be calibrated with methane, propane, or hexane, but the meter readout must be as parts per million by volume (ppmv) hexane;

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

§115.326. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of a petroleum refinery shall have the following recordkeeping requirements:]

(1) Submit to the executive director a monitoring program plan. This plan shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used.]

[(2) Maintain a leaking-components monitoring log for all leaks of more than 10,000 ppmv of volatile organic compound (VOC) detected by the monitoring program required by §115.324(a) of this title (relating to Inspection Requirements). This log shall contain, at a minimum, the following data:]

[(A) the name of the process unit where the component is located;]

[(B) the type of component (e.g., valve or seal);]

[(C) the tag number of the component;]

[(D) the date on which a leaking component is discovered;]

[(E) the date on which a leaking component is repaired;]

[(F) the date and instrument reading of the recheck procedure after a leaking component is repaired;]

[(G) a record of the calibration of the monitoring instrument;]

[(H) those leaks that cannot be repaired until turnaround; and]

[(I) the total number of components checked and the total number of components found leaking.]

(3) Retain copies of the monitoring log for a minimum of two years after the date on which the record was made or the report prepared.]

(4) Maintain all monitoring records for at least two years and make them available for review upon request by authorized representatives of the Texas Natural Resource Conservation Commission (TNRCC), United States Environmental Protection Agency (EPA), or local air pollution control agencies.]

[(b)] For Gregg, Nueces, and Victoria Counties, the owner or operator of a petroleum refinery shall have the following recordkeeping requirements:

(1) (No change.)

(2) Maintain a leaking-components monitoring log for all leaks of more than 10,000 ppmv of volatile organic compound (VOC) [VOC] detected by the monitoring program required by §115.324 [§115.324(b)] of this title (relating to Inspection Requirements). This log shall contain, at a minimum, the following data:

(A)-(I) (No change.)

(3) Retain copies of the monitoring log for a minimum of two years after the date on which the record was made or the report prepared.

(4) Maintain all monitoring records for at least two years and make them available for review upon request by authorized representatives of the executive director [TNRCC], EPA, or local air pollution control agencies.

§115.327. Exemptions.

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

[(1) Components which contact a process fluid that contains less than 10% volatile organic compounds (VOC) by weight are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries).]

[(2) Components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68 degrees Fahrenheit (20 degrees Centigrade) are exempt from the requirements of §115.324(a) of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.]

[(3) Petroleum refineries or individual process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries), as soon as practicable, but no later than one month before the process unit is scheduled for start-up and be in compliance as soon as practicable, but no later than three months after start-up. All petroleum refineries affected by this subsection shall notify the Texas Natural Resource Conservation Commission (TNRCC) of any nonoperating refineries or individual process units when they are shut down and dates of any start-ups as they occur.]

[(4) Pressure relief devices connected to an operating flare header, components in continuous vacuum service, storage tank valves, and valves that are not externally regulated (such as in-line check valves) are exempt from the monitoring requirement of §115.324(a) of this title (relating to Inspection Requirements).]

[(5) Compressors in hydrogen service are exempt from the requirements of §115.324(a) of this title (relating to Inspection Requirements) if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50% by volume.]

[(b)] For all affected persons in Gregg, Nueces, and Victoria Counties, the following exemptions shall apply:

(1) Valves with a nominal size of two inches (5 cm) or less are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries), provided allowable emissions at any refinery from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (5 cm) nominal size or smaller under this section [subsection] shall, at the time he provides his control plan, also provide the following information:

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

(C) an estimate of the total volatile organic compound (VOC) [VOC] emissions within the refinery from sources affected by §115.322 [§115.322(b)] of this title (relating to Control Requirements), §115.324 [§115.324(b)] of this title (relating to Inspection Requirements), and §115.326 [§115.326(b)] of this title (relating to Recordkeeping Requirements) after controls are applied and assuming no exemptions for small valves, plus an explanation of how the estimate was derived.

(2) Components which contact a process fluid that contains less than 10% VOC by weight are exempt from the requirements

of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries).

(3) Components which contact a process liquid containing a VOC having a true vapor pressure equal to or less than 0.147 psia (1.013 kPa) at 68 degrees Fahrenheit (20 degrees Centigrade) are exempt from the requirements of §115.324 [§115.324(b)] of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(4) Petroleum refineries or individual process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries), as soon as practicable, but no later than one month before the process unit is scheduled for start-up and be in compliance as soon as practicable, but no later than three months after start-up. All petroleum refineries affected by this section [subsection] shall notify the executive director [TNRCC] of any nonoperating refineries or individual process units when they are shut down and dates of any start-ups as they occur.

(5) Pressure relief devices connected to an operating flare header, components in continuous vacuum service, storage tank valves, and valves that are not externally regulated (such as in-line check valves) are exempt from the monitoring requirement of §115.324 [§115.324(b)] of this title (relating to Inspection Requirements).

(6) Compressors in hydrogen service are exempt from the requirements of §115.324 [§115.324(b)] of this title (relating to Inspection Requirements) if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50% by volume.

§115.329. Counties and Compliance Schedules.

All affected persons in Gregg, Nueces, and Victoria Counties shall continue to comply with this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) as required by §115.930 of this title (relating to Compliance Dates). [All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.322(a) of this title (relating to Control Requirements), §115.323(a) of this title (relating to Alternate Control Requirements), §115.324(a) of this title (relating to Inspection Requirements), §115.325(a) of this title (relating to Testing Requirements), §115.326(a) of this title (relating to Recordkeeping Requirements), and §115.327(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.]

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

Issued in Austin, Texas, on November 8, 1996.

TRD-9616294

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: February 19, 1997

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

Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Natural Resource Conservation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

§§115.332-115.337, 115.339

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

The repeals implement the Health and Safety Code, §382.017.

§115.332. *Control Requirements.*

§115.333. *Alternate Control Requirements.*

§115.334. *Inspection Requirements.*

§115.335. *Testing Requirements.*

§115.336. *Recordkeeping Requirements.*

§115.337. *Exemptions.*

§115.339. *Counties and Compliance Schedules.*

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

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Kevin McCalla

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Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes

30 TAC §§115.352-115.354, 115.356, 115.357

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

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

§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) Except as provided in paragraph (2) of this section, no [No] component shall be allowed to have a volatile organic compound (VOC) leak for more than 15 calendar days after the leak is found which exceeds the following:

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

(2) A first attempt at repair shall be made no later than five calendar days after the leak is found and the component [All technically feasible repairs to a leaking component, as specified in paragraph (1) of this section,] shall be repaired [made] no later than [within] 15 calendar days after the leak is found, unless the repair of the component would require a unit shutdown which would create more emissions than the repair would eliminate. A component in gas/vapor or light liquid service is considered to be repaired when it is monitored with an instrument using Test Method 21 and shown to no longer have a leak after adjustments or alterations to the component. A component in heavy liquid service is considered to be repaired when it is monitored by audio, visual, and olfactory means and shown to no longer have a leak after adjustments or alterations to the component. If the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate, the repair may be delayed until the next shutdown. [Repairs to all accessible valves found leaking shall consist of the repair and maintenance of components assisted simultaneously by the use of an approved gas analyzer such that a minimum concentration of leaking VOC is obtained for each component being maintained.]

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

(9) For valves equipped with rupture discs, a pressure gauge or an equivalent device or system shall be installed between the relief valve and rupture disc to monitor disc integrity. All leaking discs shall be replaced at the earliest opportunity, but no later than the next process shutdown. Equivalent devices or systems shall be identified in a list to be made available upon request and must have been approved by the methods required by §115.353 of this title (relating to Alternate Control Requirements).

§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 Availability of 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) Measure yearly (with a hydrocarbon gas analyzer) the emissions from all:

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

(C) unsafe to monitor valves. An unsafe to monitor valve is a valve that the owner or operator determines is unsafe

to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (2) of this section [subsection]. Valves which are unsafe to monitor shall be identified in a list made available upon request. If an unsafe to monitor valve is not considered safe to monitor within a calendar year, then it shall be monitored as soon as possible during safe to monitor times.

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

[(4) Measure (with a hydrocarbon gas analyzer) the emissions from any component within five days after a potential leak is detected by sight, sound, or smell.]

(4) [(5)] Measure (with a hydrocarbon gas analyzer) emissions from any relief valve which has vented to the atmosphere within 24 hours.

[(6) Measure (with a hydrocarbon gas analyzer) the emissions from any component that was found leaking. The repair and maintenance of accessible valves shall include the simultaneous use of a hydrocarbon gas analyzer such that a minimum concentration of leaking VOC is obtained for each component being repaired or maintained.]

(5) [(7)] Upon the detection of a leaking component, affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was detected. This tag shall remain in place until the leaking component is repaired.

(6) [(8)] The monitoring schedule of paragraphs (1)-(3) of this section may be modified to require an increase in the frequency of monitoring in a given process area if the executive director [of the Texas Natural Resource Conservation Commission (TNRCC)] determines that there is an excessive number of leaks in that process area.

(7) [(9)] After completion of the required [annual and] quarterly valve monitoring [inspections] for a period of at least two years, the operator of a petroleum refinery; synthetic organic chemical, polymer, resin, or methyl-tert-butyl ether manufacturing process; or a natural gas/gasoline processing operation may request in writing to the executive director [TNRCC] that the valve monitoring schedule be revised based on the percent of valves leaking. The percent of valves leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed (including valves which have been classified as non-repairable under §115.357(8) of this title (relating to Exemptions)) by the total number of valves subject to the requirements. This request shall include all data that have been developed to justify the following modifications in the monitoring schedule.

(A) After two consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(B) After five consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(8) Alternate monitoring schedules approved before November 15, 1996, under §§115.324(a)(8)(A), 115.334(3)(A), and 115.344(3)(A) of this title (relating to Inspection Requirements),

as in effect December 3, 1993, are approved monitoring schedules for the purposes of paragraph (7) of this section.

§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) Maintain a components monitoring log which shall contain, at a minimum, the following data:

(A)-(H) (No change.)

(I) the test method used (Test Method 21, or sight/sound/smell).

(2) (No change.)

(3) Maintain all monitoring records for at least two years and make them available for review upon request by authorized representatives of the executive director [TNRCC], United States Environmental Protection Agency, or local air pollution control agencies.

§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) 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 all the requirements of this undesignated head, except that each pressure relief valve equipped with a rupture disk shall comply with §115.352(9) of this title (relating to Control Requirements).

(3)-(7) (No change.)

(8) Components in ethylene, propane, or propylene service, not to exceed 5.0% of the total components, may be classified as non-repairable beyond the second repair attempt at 500 ppmv. These components will remain in the fugitive monitoring program and be repaired when the concentration of VOC is greater than 10,000 ppmv for more than 15 days after the leak is found. For the purposes of this undesignated head, components which contact a process fluid with greater than [that] 85% ethylene, propane, or propylene by weight are considered in ethylene, propane, or propylene service, respectively.

(9) (No change.)

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

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Director, Legal Division

Texas Natural Resource Conservation Commission

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Fugitive Emission Control in Natural Gas/Gasoline Processing Operations

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Natural Resource Conservation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

30 TAC §§115.342-115.347, 115.349

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

The repeals implement the Health and Safety Code, §382.017.

§115.342. Control Requirements.

§115.343. Alternate Control Requirements.

§115.344. Inspection Requirements.

§115.345. Testing Requirements.

§115.346. Recordkeeping Requirements.

§115.347. Exemptions.

§115.349. Counties and Compliance Schedules.

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

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Subchapter E. Solvent-Using Processes

Surface Coating Processes

30 TAC §§115.421, 115.422, 115.424, 115.426, 115.427

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

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

§115.421. Emission Specifications.

(a) No person 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) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title affected by paragraphs (1)-(13) of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings

delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area and those in paragraph (11) of this subsection which are based on the VOC content of architectural coatings sold or offered for sale. For the purposes of this undesignated head (relating to Surface Coating Processes), daily weighted average means the total weight of VOC emissions from all coatings, divided by the total volume of all coatings (minus water and exempt solvent) applied each day.

(1)-(12) (No change.)

(13) Surface coating of wood parts and products.

(A) [After November 15, 1996 in] In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from the coating of wood parts and products shall not exceed the following limits for each surface coating type:

(i)-(x) (No change.)

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

(b) (No change.)

§115.422.

For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply.

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

(3) Any surface coating operation that becomes subject to the provisions of §115.421(a) of this title (relating to Emission Specifications) by exceeding the provisions of §115.427(a) of this title (relating to Exemptions) shall remain subject to the provisions in §115.421(a) of this title, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to at or below the controlled emissions level existing before [prior to] implementation of the project by which throughput or emission rate was reduced and less than the applicable exemption limits in §115.427(a) of this title, and:

(A) (No change.)

(B) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [TNRCC] 30 days notice of the project in writing.

§115.424. Inspection Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following inspection requirements shall apply:

(1) All surface coating processes or operations affected by §115.421(a) of this title (relating to Emissions Specifications) must provide samples, without charge, upon request by representatives of the executive director [Texas Natural Resource Conservation Commission (TNRCC)], United States Environmental Protection Agency (EPA), or local air pollution control agency.

(2) All wholesalers and retailers affected by §115.421(a) of this title must provide samples, without charge, upon request by representatives of the executive director [TNRCC], EPA, or local air pollution control agency.

(3) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following inspection requirements shall apply:

(1) All surface coating processes or operations affected by §115.421(b) of this title must provide samples, without charge, upon request by representatives of the executive director [TNRCC], EPA, or local air pollution control agency.

(2) (No change.)

§115.426. *Monitoring and Recordkeeping Requirements.*

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

(1) Any person affected by §115.421(a) of this title (relating to Emission Specifications) shall satisfy the following recordkeeping requirements.

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

(D) Records required by subparagraphs (A)-(C) of this paragraph shall be maintained for at least two years and shall be made available upon request by representatives of the executive director [Texas Natural Resource Conservation Commission (TNRCC)], United States Environmental Protection Agency (EPA), or any local air pollution control agency.

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall:

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

(C) maintain all records at the affected facility for at least two years and make such records available to representatives of the executive director [TNRCC], EPA, or any local air pollution control agency, upon request.

(3)-(4) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply:

(1) Any person affected by §115.421(b) of this title shall satisfy the following recordkeeping requirements:

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

(D) Records required by subparagraphs (A)-(C) of this paragraph shall be maintained for at least two years and shall be made available upon request by representatives of the executive director [TNRCC], EPA, or local air pollution control agency.

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(b)(3) of this title shall:

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

(C) maintain all records at the affected facility for at least two years and make such records available to representatives of the executive director [TNRCC], EPA, or local air pollution control agency, upon request.

(3) (No change.)

§115.427. *Exemptions.*

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

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

(5) **Vehicle refinishing (body shops)** [Automobile refinishing facilities] in Hardin, Jefferson, and Orange Counties are exempt from the requirements of §115.421(a)(8)(B) [of this title] and §115.422(1) and (2) of this title (relating to **Emission Specifications; and Control Requirements**).

(6) **The repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and the repair and recoating of vehicles by private individuals** are exempt from the requirements of §115.421(a)(8)(B) and §115.422(1) and (2) of this title.

(b) (No change.)

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

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Offset Lithographic Printing

30 TAC §§115.442, 115.446, 115.449

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

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

§115.442. *Control Requirements.*

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply:

(1) No person shall operate or allow the operation of an offset lithographic printing line that uses solvent-containing ink, unless volatile organic compound (VOC) emissions are limited by the following:

(A) (No change.)

(B) Any person who owns or operates a nonheatset web offset lithographic printing press [facility] which prints newspaper and that use alcohol in the fountain solution shall eliminate the use of alcohol in the fountain solution. Alternatively, non-alcohol additives or alcohol substitutes can be used to accomplish the total elimination of alcohol use.

(C) Any person who owns or operates a nonheatset web offset lithographic printing press [facility] which does not print newspaper and that use alcohol in the fountain solution shall maintain

the use of alcohol at 5.0% or less (by volume). Alternatively, a standard of 10.0% or less (by volume) alcohol may be used if the fountain solution is refrigerated to less than 60°F.

(D) Any person who owns or operates a sheetfed offset lithographic printing press [facility] shall maintain the use of alcohol at 10.0% or less (by volume). Alternatively, a standard of 12.0% or less (by volume) alcohol may be used if the fountain solution is refrigerated to less than 60°F.

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

(2) (No change.)

§115.446. *Monitoring and Recordkeeping Requirements.*

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following monitoring and recordkeeping requirements shall apply.

(1)-(7) (No change.)

(8) The owner or operator of any offset lithographic printing press shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director [Texas Natural Resource Conservation Commission], the United States Environmental Protection Agency, or the local air pollution agency having jurisdiction in the area.

§115.449. *Counties and Compliance Schedules.*

(a) All affected persons in El Paso County shall be in compliance with §115.442 [of this title (relating to Control Requirements)], §115.443 [of this title (relating to Alternate Control Requirements)], §115.445 [of this title (relating to Testing Requirements)], and §115.446 of this title (relating to Control Requirements; Alternate Control Requirements; Testing Requirements; and Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than November 15, 1996.

(b) All affected persons in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with §115.442, §115.443, §115.445, and §115.446 of this title as soon as practicable, but no later than one year, after the commission [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).

(c) All affected persons in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.442, §115.443, §115.445, and §115.446 of this title as soon as practicable, but no later than one year, after the 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 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).

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Subchapter F. Miscellaneous Industrial Sources

Pharmaceutical Manufacturing Facilities

30 TAC §§115.532, 115.533, 115.536, 115.537, 115.539

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

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

§115.532. *Control Requirements.*

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

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

(5) Pharmaceutical manufacturing facility. Any pharmaceutical manufacturing facility that becomes subject to the provisions of paragraphs (1)-(4) of this subsection by exceeding provisions of §115.537(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to at or below the controlled emissions level existing before [prior to] implementation of the project by which throughput or emission rate was reduced and less than the applicable exemption limits in §115.537(a) of this title and:

(A) (No change.)

(B) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [Texas Natural Resource Conservation Commission] 30 days' notice of the project in writing.

(b) (No change.)

§115.533. *Alternate Control Requirements.*

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or

exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.536. Monitoring and Recordkeeping Requirements.

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

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

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director [Texas Natural Resource Conservation Commission], United States Environmental Protection Agency (EPA), or local air pollution control agency.

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

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

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director [TNRCC], EPA, or local air pollution control agency.

§115.537. Exemptions.

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

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

(5) Until July 31, 1993 in Brazoria, Galveston, Jefferson, and Orange Counties, any facility which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) of this title (relating to Emission Specifications) and §115.532(a) of this title (relating to Control Requirements).

(6) In Dallas, El Paso, Harris, and Tarrant Counties, any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) of this title and §115.532(a) of this title.

(7) [After July 31, 1993 in counties other than Dallas, El Paso, Harris, and Tarrant, any] Any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 lbs. (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) [of this title] and §115.532(a) of this title.

(b) (No change.)

§115.539. Counties and Compliance Schedules.

All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller Counties shall continue to comply with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) as required by §115.930 of this title (relating to Compliance Dates).

[(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.531(a) of this title (relating to Emission Specifications), §115.532(a) of this title (relating to Control Requirements), §115.533(a) of this title (relating to Alternate Control Requirements), §115.534(a) of this title (relating to Inspection Requirements), §115.535(a) of this title (relating to Testing Requirements), §115.536(a) of this title (relating to Monitoring and Recordkeeping Requirements), and §115.537(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

[(b) All persons in Brazoria, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.537(a)(7) of this title shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.

[(c) All affected persons in Victoria County shall be in compliance with §115.536(b)(2)(A)(iii) of this title as soon as practicable, but no later than July 31, 1993.]

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

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Petroleum Dry Cleaning Systems

30 TAC §§115.552, 115.553, 115.559

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

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

§115.552. Control Requirements.

(a) (No change.)

(b) Any petroleum solvent dry cleaning facility that becomes or is currently subject to the control requirements of subsection (a) of this section by exceeding the exemption limit of §115.157 of this title (relating to Exemptions) shall remain subject to the provisions of this section, even if its consumption of petroleum solvent later falls below the exemption level unless and until its uncontrolled solvent consumption is reduced to at or below its solvent consumption level before [prior to] lifting controls, and

(1) (No change.)

(2) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [Texas Natural Resource Conservation Commission] 30 days notice of the project in writing.

§115.553. Alternate Control Requirements.

For all affected persons in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.559. Counties and Compliance Schedules.

(a) All affected petroleum solvent dry cleaning facilities in Collin, Dallas, Denton, and Tarrant Counties [the Dallas/Fort Worth, Houston/Galveston, and El Paso areas, as defined in §115.10 of this title,] shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title (relating to Control Requirements; Alternate Control Requirements; Testing Methods and Procedures; Recordkeeping Requirements; and Exemptions) [this undesignated head] as soon as practicable, but no later than one year, after the Texas Natural Resource Conservation Commission (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 (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, §172(c)(9).

(b) All affected petroleum solvent dry cleaning facilities in El Paso County shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission 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 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).

(c) All affected petroleum solvent dry cleaning facilities in Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission 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 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).

(d) [(b)] Any petroleum solvent dry cleaning facility that becomes subject to the control requirements of §115.552(a)(1) of this title [(relating to Control Requirements)] by exceeding the exemption threshold as identified in §115.557 of this title [(relating to Exemptions)] shall be in compliance as soon as practicable, but no later than two years from the time the exemption level was exceeded.

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 November 8, 1996.

TRD-9616291

Barry S. Irwin

Director, Legal Division

Texas Natural Resource Conservation Commission
Proposed date of adoption: February 19, 1997
For further information, please call: (512) 239-1970

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Subchapter B. General Volatile Organic Compound Sources

The commission proposes amendments to §§115.121-115.123, 115.126, 115.127 and 115.129, concerning Vent Gas Control; and §§115.311-115.313, and 115.319, concerning Process Unit Turn-around and Vacuum-Producing Systems in Petroleum Refineries. The commission proposes these revisions to Chapter 115, concerning Control of Air Pollution from Volatile Organic Compounds (VOC), and to the State Implementation Plan (SIP) in order to make a variety of changes which clarify and add flexibility to existing requirements, correct errors, extend an existing exemption for pulp and paper vent gas streams, and delete language made obsolete by the passing of compliance dates.

EXPLANATION OF PROPOSED RULE. The proposed changes to §115.121, concerning Emission Specifications, and §115.122, concerning Control Requirements, substitute the term "control" for "burn" and modify the existing requirement in §115.122 to burn vent gas streams in a flare or direct-flame incinerator by adding an option to control the emissions with a vapor recovery system meeting a specified control efficiency. This option is currently located in §115.123, concerning Alternate Control Requirements. These changes which consolidate control options and requirements into one section, make the rule more logical and eliminate confusing wording. As §115.122 is currently written, it is unclear whether a 1300°F temperature requirement applies to smokeless flares, and whether the combustion destruction efficiency applies only to direct-flame incinerators. The logical construction is that the temperature requirement applies to incinerators. Also, properly operated incinerators which achieve a temperature of at least 1300°F and flares which are smokeless will generally achieve significantly better than 90% control efficiency, so the 90% requirement does not need to be specified for flares and direct-flame incinerators. The intent of the proposed revisions, which do not associate a particular control efficiency with these common methods of control, is to prevent reductions which were required, but not quantified in early State Implementation Plans (SIP), from being used to satisfy future emission control requirements under a trading program. The proposed changes to §115.121(a) also consolidate existing paragraphs (2) and (3) for improved readability. The proposed changes to §115.122 also update rule references due to the consolidation of §115.121(a)(2) and (3) and replace "prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.123 correct a rule reference and eliminate language which is no longer necessary due to the revisions to §115.121 and §115.122.

The proposed revisions to §115.126, concerning Monitoring and Recordkeeping Requirements, clarify that §115.126(a)(3) and §115.126(b)(3) are alternatives to the requirements of §115.126(a)(2) and §115.126(b)(2), respectively. The proposed