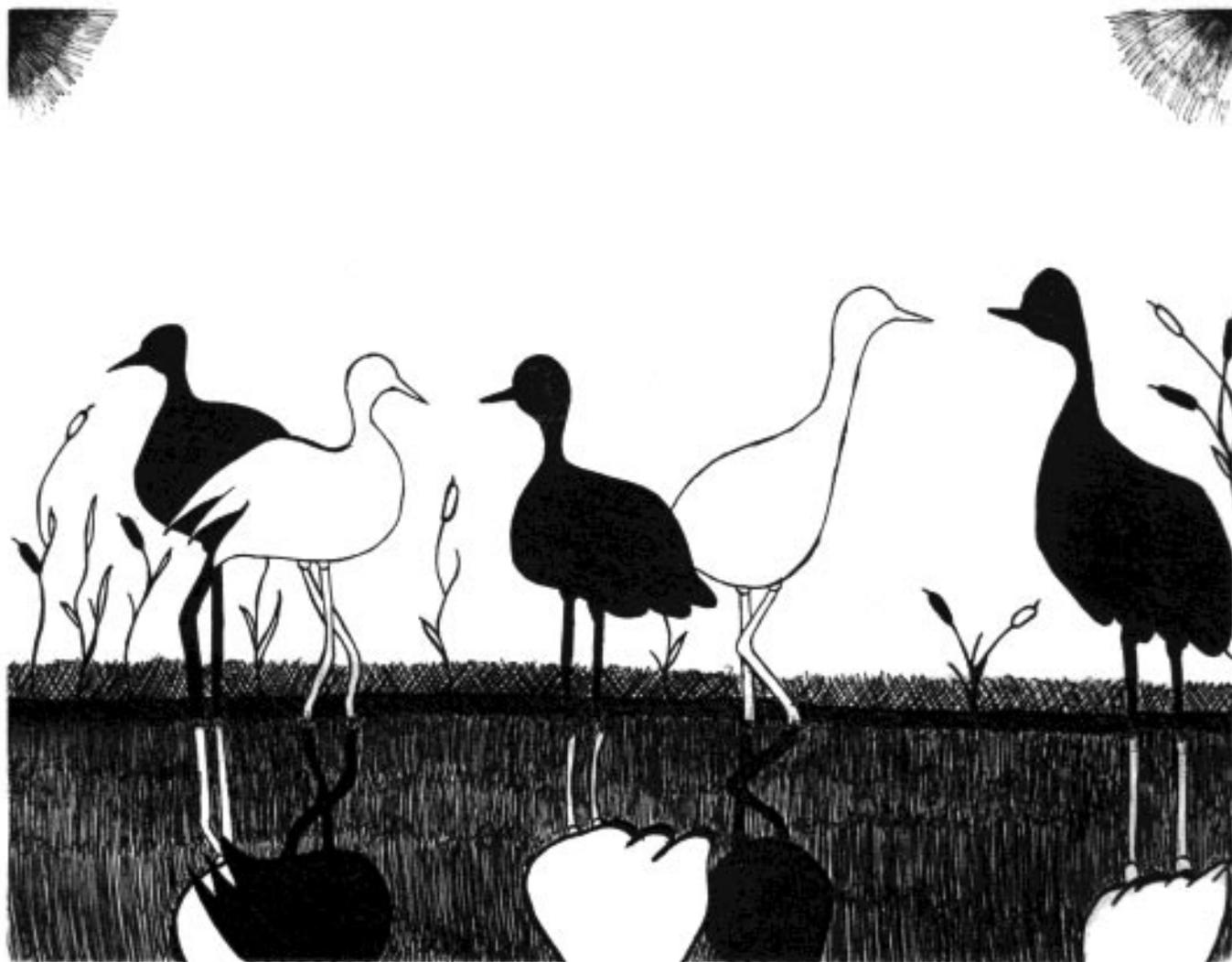


TEXAS REGISTER

Volume 24 Number 1 January 1, 1999

Pages 1-223



(a) All affected persons in the following counties shall be in compliance with §§114.301, 114.302, 114.305, 114.306, and 114.307 of this title (relating to Control Requirements for Reid Vapor Pressure; Control Requirements for Sulfur; Approved Test Methods; Record-keeping Requirements; and Exemptions) as soon as practicable, but no later than the dates specified in §114.301(a) and §114.302(a) of this title: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.

(b) All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §§114.301, 114.302, 114.305, 114.306, and 114.307 of this title as soon as practicable, but no later than the dates specified in §114.301(a) and §114.302(a) of this title.

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.

Filed with the Office of the Secretary of State, on December 18, 1998.

TRD-9818441

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: May 26, 1999

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; §§115.211- 115.217 and 115.219, concerning Loading and Unloading of Volatile Organic Compounds (VOC); §§115.221-115.227, and 115.229, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; and §§115.234-115.237 and 115.239, concerning Control of VOC Leaks from Transport Vessels. The commission proposes these revisions to Chapter 115, concerning Control of Air Pollution from VOCs, and to the State Implementation Plan (SIP) in order to control ground-level ozone in ozone near-nonattainment areas and ozone nonattainment areas.

The proposed revisions are one element of the new Texas Clean Air Strategy (TCAS), which includes a variety of options in order to meet the National Ambient Air Quality Standard (NAAQS) for ground-level ozone. The purpose of the strategy is to help keep ozone attainment areas and near- nonattainment areas, such as Austin, Corpus Christi, Longview/Tyler/Marshall, and San Antonio, in compliance with the federal 8-hour ozone standard of 80 parts per billion (ppb). The new strategy also is designed to help the Beaumont/Port Arthur, Dallas/Fort Worth,

and Houston/Galveston ozone nonattainment areas reach attainment. The TCAS takes into account recent science which shows that regional approaches may provide improved control of air pollution. In particular, staff has conducted photochemical grid modeling which indicates that implementation of Stage I vapor recovery, cleaner burning gasoline, and national low-emitting vehicles (NLEV) will result in ozone reductions (peak 8- hour average) of 1 to 4 ppb in much of east and southeast Texas. Additional details concerning the need for a regional strategy are as follows.

BACKGROUND At the time the 1990 Federal Clean Air Act (FCAA) Amendments were enacted, the focus on controlling ozone pollution was centered on local controls. However, for many years an ever increasing number of air quality professionals have felt that ozone is a regional problem requiring regional strategies in addition to local control programs. As nonattainment areas across the United States prepared attainment demonstration SIPs in response to the 1990 FCAA Amendments, several areas found that modeling attainment was made much more difficult, if not impossible, because of high ozone and ozone precursor levels entering from the boundaries of their respective modeling domains, commonly called transport.

The commission has conducted air quality modeling and upper air monitoring that found regional air pollution should be considered when studying air quality in Texas' ozone nonattainment areas. This work is supported by research conducted by the Ozone Transport Assessment Group (OTAG), the most comprehensive attempt ever undertaken to understand and quantify the transport of ozone. Both the commission and OTAG study results point to the need to take a regional approach, such as that proposed in the TCAS, to controlling air pollutants.

As part of the Coastal Oxidant Assessment for Southeast Texas (COAST) project, the commission and its contractor Environ, Inc., conducted regional-scale modeling to develop future-year boundary conditions for the COAST modeling domain. The emissions inventory used in this modeling was based on the OTAG emission inventory and the modeling was conducted for a domain covering most of Texas as well as several southern states.

During the OTAG process, the commission's modeling staff ran several sensitivity analyses using this regional modeling setup to assess the impact of potential OTAG reductions on Texas. Applying the OTAG reductions across the domain (clean gasoline (federal reformulated gasoline) stationary source controls, the NLEV program, ozone action days, and a series of national rules to be promulgated by the EPA among others), compared to the case of no reductions, indicated that modeled reductions would significantly reduce ozone throughout most of the eastern half of Texas. Overall the modeling indicated that a regional reduction strategy would be beneficial across the wide area of the state.

During modeling for the Houston/Galveston attainment demonstration SIP, the commission's modeling staff conducted sensitivity analyses to determine the benefits regional reductions might have on Houston/Galveston, when applied simultaneously with local reductions. Unlike the commission's regional modeling exercises discussed above, these model runs offer an opportunity to assess separately the benefits of reductions made within and outside a region, since model runs with and without the regional reductions scenarios in Houston/Galveston were run. Modeling runs were completed to evaluate the 8-hour av-

erage ozone concentrations in the COAST modeling domain for September 8, 1993 with 2007 projected emissions and assuming a 70% reduction of oxides of nitrogen (NO_x) and a 15% reduction of VOC in the 8-county Houston/Galveston area. Even with the large reductions in Houston/Galveston much of the upper Texas Coast is well above the 8-hour standard. Also, Austin, Victoria, and Corpus Christi show 8-hour average concentrations above 80 ppb. The benefit of applying OTAG reductions outside the Houston/Galveston 8-county area clearly showed additional ozone benefits of between 5 and 10 ppb in Houston/Galveston.

Additional modeling has been completed by commission staff assessing the potential benefits of the TCAS. This modeling indicates that mobile source reductions (cleaner gasoline, NLEVs, and Stage I vapor recovery) have a potential to reduce peak 8-hour ozone averages of between 1 and 4 ppb in much of east and southeast Texas, with the greatest reductions seen in the Austin and San Antonio areas. Modeling of the combined point source and mobile source strategies shows a large area, including near-nonattainment and attainment areas, of reductions in peak 8-hour average ozone above 3 ppb.

This modeling provides part of the evidence of the benefit of regional reductions on Texas' nonattainment areas and further provides justification that a regional strategy will help maintain air quality in near-nonattainment and attainment areas. Conclusions from the commission's work are supported by OTAG studies that also illustrate the importance of implementing a regional air quality control strategy.

The proposed revisions would implement the Stage I vapor recovery option of the Texas Clean Air Strategy. The Stage I vapor recovery rules currently apply to approximately 7000 gasoline stations in the Beaumont/Port Arthur, El Paso, Houston/Galveston, and Dallas/Fort Worth ozone nonattainment areas (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties). These rules regulate the filling of gasoline storage tanks at gasoline stations by tank-trucks. To comply with Stage I requirements, a vapor balance system is typically used to capture the vapors from the gasoline storage tanks which would otherwise be displaced to the atmosphere as these tanks are filled with gasoline. The captured vapors are routed to the gasoline tank-truck, and the vapors are processed by a vapor control system when the tank-truck is subsequently refilled at a gasoline terminal or gasoline bulk plant. The proposed rules will reduce VOC emissions which are precursors to ground-level ozone formation, resulting in ground-level ozone reductions.

The effectiveness of Stage I vapor recovery rules depends on the captured vapors being: (1) effectively contained within the gasoline tank-truck during transit; and (2) controlled when the transport vessel is refilled at a gasoline terminal or gasoline bulk plant. Otherwise, the emissions captured at the gasoline station will simply be emitted at a location other than the gasoline station, resulting in no reduction in VOC emissions despite the Stage I requirements.

Chapter 115 includes specific requirements for gasoline terminals in 16 ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller). A gasoline terminal is a gasoline transfer facility, excluding marine terminals, with a gasoline throughput of at

least 20,000 gallons per day, averaged over any consecutive 30-day period. Less restrictive Chapter 115 gasoline terminal rules apply in Gregg, Nueces, and Victoria Counties. Chapter 115 regulates gasoline terminals in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties under general VOC transfer rules.

On December 14, 1994, EPA promulgated Title 40 Code of Federal Regulations (CFR) 63, Subpart R, pursuant to §112(d) of the 1990 Amendments to the FCAA. Subpart R is the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution. Subpart R requires gasoline terminals nationwide to control emissions from the refilling of gasoline tank-trucks if emissions of hazardous air pollutants (HAPs) reach a threshold of 10 tons per year of any one HAP or 25 tons per year of total HAPs.

Gasoline tank-trucks may also be refilled at a gasoline bulk plant, which is a gasoline transfer facility, excluding marine terminals, with a gasoline throughput less than 20,000 gallons per day, averaged over any consecutive 30-day period. Sections 115.211-115.219 require gasoline bulk plants in ozone nonattainment counties to control gasoline transfer emissions using a vapor balance (similar to that used at gasoline stations meeting Stage I requirements). Outside of the ozone nonattainment counties, however, there is currently no Chapter 115 requirement for control of emissions from gasoline bulk plants. Likewise, there is no Chapter 115 requirement for control of emissions from gasoline tank-truck leaks outside of the ozone nonattainment counties.

The rule changes propose extension of the existing Chapter 115 Stage I vapor recovery, gasoline terminal, gasoline bulk plant, and gasoline tank-truck leak testing requirements (§§115.211-115.217, 115.221-115.227, and 115.234-115.237) to 95 counties in the eastern half of Texas. These counties are: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.

Concurrently, the commission is proposing revisions which reorganize and clarify the rules, including incorporation of a variety of interpretations made by the agency's Rule Interpretation Team. These clarifying/reorganizing revisions include, where possible, consolidation or elimination of redundant language or requirements, the use of the active (rather than passive) voice, and relocation of rule language to more logical locations. In general, the commission's goal is to make the rules easier to read and more explicit concerning which requirements apply.

EXPLANATION OF PROPOSED RULES The proposed changes to §115.10, concerning Definitions, add a new definition of regional VOC zone which specifies the 95 counties for which Stage I, gasoline tank-truck testing, gasoline terminal, and gasoline bulk plant controls are being proposed; and add

new definitions of flare, vapor combustor, and vapor control system. The proposed definition of vapor control system is identical to the existing definition of vapor recovery system, and will facilitate a transition in the Chapter 115 rules to this term from the misleading term "vapor recovery system," which is defined to include both recovery and combustion control devices. In addition, the definitions of consumer-solvent products, municipal solid waste landfill emissions, and hand-held lawn and garden and utility equipment are being deleted because these three definitions are no longer used in the Chapter 115 rules.

The proposed changes to §115.10 also delete the definitions of alcohol, alcohol substitutes, batch, cleaning solution, fountain solution, heatset, lithography, non-heatset, and offset lithography. These terms are used within the Chapter 115 offset printing rules (§§115.442, 115.443, 115.445, 115.446, and 115.449). In separate rulemaking, the commission is proposing to relocate the definitions of these terms to a new §115.440, concerning Offset Printing Definitions. (See the November 6, 1998 issue of the *Texas Register* (23 TexReg 11277)).

Finally, the following redundant definitions are being deleted from §115.10 because these terms are already defined in §101.1, concerning Definitions, and are used in multiple chapters of the commission's rules: capture system, carbon adsorber, cold solvent cleaning, condensate, control device, control system, conveyORIZED degreasing, custody transfer, exempt solvent, gasoline, industrial solid waste, leak, liquid-mounted seal, marine vessel, mechanical shoe seal, motor vehicle fuel dispensing facility, municipal solid waste facility, municipal solid waste landfill, open-top vapor degreasing, process or processes, property, remote reservoir cold solvent cleaning, sludge, solid waste, source, submerged fill pipe, system or device, true vapor pressure, vapor-mounted seal, vent, and VOC water separator. Definitions which remain in §115.10 are being numbered in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998).

The proposed changes to §115.211, concerning Emission Specifications, establish an emission limit for gasoline bulk plants in the regional VOC zone which is equivalent to the current emission limit for gasoline bulk plants in ozone nonattainment counties. Likewise, the proposed changes also establish an emission limit for gasoline terminals in the regional VOC zone. A 1990 rule effectiveness study, in which all gasoline terminals in the Dallas/Fort Worth area (other than those equipped with flares) were stack tested, found these gasoline terminals to be capable of meeting an emission limit of 10.8 milligram per liter (mg/l) of gasoline loaded. In order to gather more current data, the commission surveyed the test results for gasoline terminals in the regional VOC zone and the current ozone nonattainment counties and determined that the vast majority (94%) meet the 10.0 mg/l emission limit in 40 CFR 63, Subpart R (Gasoline Distribution NESHAP). The remaining 6% of the test results show compliance with a 20.0 mg/l emission limit. Consequently, the commission proposes a 20.0 mg/l emission limit for gasoline terminals in the regional VOC zone. Based on the test results, the commission believes that properly-maintained control devices at gasoline terminals can consistently meet the 20.0 mg/l emission limit. The commission solicits information regarding specific gasoline terminals in the regional VOC zone which cannot meet this emission limit when properly maintained. In addition, the proposed changes establish an expiration date for the less-stringent emission limit (80 mg/l) which currently

applies to gasoline terminals in Gregg, Nueces, and Victoria Counties, and relocate the emission limit for gasoline terminals in these three counties from the existing §115.211(b) to the proposed §115.211(1)(B). The less stringent limit will expire when the proposed new limits are to be imposed. Finally, the proposed changes delete the emission limit of the existing §115.211(a)(3) for marine terminals in the Houston/Galveston ozone nonattainment area because this limit is already included in the existing §115.212(a)(8)(A).

The proposed changes to §115.212, concerning Control Requirements, extend to the regional VOC zone the requirement that vapors from gasoline transfers at gasoline bulk plants be controlled rather than vented to the atmosphere. Likewise, the proposed changes extend to the regional VOC zone the requirement that vapors from gasoline loading at gasoline terminals be controlled rather than vented to the atmosphere. Also, the proposed changes establish requirements designed to minimize emissions during gasoline transfer at gasoline terminals and gasoline bulk plants in the regional VOC zone. In addition, the proposed changes also extend to the regional VOC zone the requirement that VOC vapors remaining in transport vessels after unloading be kept in vapor-tight transport vessels until the vapors are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation; and update references to definitions which are currently in §115.10 but are proposed for inclusion only in §101.1.

The proposed changes to §115.212 further add an allowance for draining VOC from a liquid line after transfer into a portable container, which is then closed and disposed of properly. This is proposed for addition to the existing §115.212(a)(3)-(4) and (b)(3)-(4). The requirements of the existing §115.212(a)(4) and (b)(4) are concurrently being relocated to the proposed §115.212(a)(3)(E) and (b)(3)(E), respectively. The gasoline terminal loading lockout provision of existing §115.212(a)(9), which currently applies in the Dallas/Fort Worth, El Paso, and Houston/ Galveston ozone nonattainment areas, is being relocated to the proposed §115.212(a)(4)(C) and (b)(4)(C). This rule requires instrumentation which locks out the gasoline transfer pumps if the vapor control system is not connected or operating properly, thus preventing uncontrolled gasoline loading at the loading rack. The gasoline terminal loading lockout provision is proposed for extension to the Beaumont/ Port Arthur ozone nonattainment area and the regional VOC zone.

Also, the proposed changes to §115.212 consolidate the gasoline bulk plant loading and unloading requirements of existing §115.212(a)(6)-(7) into the proposed §115.212(a)(5), and add an option for gasoline bulk plants to control emissions using a vapor control system rather than a vapor balance system between the storage tank and the storage vessel. The existing §115.212(a)(6)(B), which concerns permissible pressure-vacuum relief valve emissions from gasoline transfer at gasoline bulk plants during emergency situations, is proposed for deletion because upset conditions are already addressed in §101.6, Upset Reporting and Recordkeeping Requirements.

In addition, the proposed changes to §115.212(b)(1), concerning general land-based VOC loading (i.e., non-gasoline, non-marine), require that at VOC loading operations in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties, the vapors from the transport vessel must be controlled by a vapor control system which main-

tains a control efficiency of at least 90%, or by a vapor balance system. Under the current §115.212(b)(1) and (c)(1), VOC emissions from loading operations in these nine counties must be controlled such that the aggregate true vapor pressure of all VOC does not exceed 1.5 psia. When the Texas Air Control Board first adopted this requirement on April 10, 1973, the intent and expectation was that the 1.5 psia control level represented a 90% control efficiency. However, the use of an aggregate true vapor pressure as a surrogate control efficiency has resulted in some confusion over the past 25 years. To eliminate this confusion, the commission proposes to revise the control efficiency to reflect the rule's original intent by using more commonly understood terminology. Most control devices can readily achieve and maintain a control efficiency of at least 90%. For example, flares which meet the standard design and operating criteria of 40 CFR 60.18(b) have been shown to operate with a control efficiency of at least 98%. However, some existing control devices, such as condensers, may be unable to consistently meet a 90% control level. The commission believes that the 90% overall control option for general land-based VOC loading, which is available in the proposed §115.213(c), will allow many general VOC loading operations in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties the flexibility to offset the increased emissions from existing lower-efficiency (less than 90%) control devices with reduced emissions from higher-efficiency (greater than 90%) control devices at the same account number. The commission solicits information regarding specific situations in these nine counties for which the 90% overall control option for general land-based VOC loading will not be a viable method for addressing existing lower-efficiency control devices.

For marine terminals in the Houston/Galveston ozone nonattainment area, the proposed changes to §115.212 also relocate the vapor balance option and the non-dedicated loading lines control requirement from the existing §115.217(a)(7)(C)-(D) to the proposed §115.212(a)(6)(A) and (D), respectively. Finally, the annual marine vessel vapor-tightness test in the existing §115.212(a)(8)(B) is being relocated to the proposed §115.214(a)(3)(A).

The proposed changes to §115.213, concerning Alternate Control Requirements, revise the term "section" (which should have been "undesignated head") to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); extend the availability of alternate means of control to the entire regional VOC zone; and condense the three existing subsections into a single subsection. In addition, the 90% overall control options for marine terminals and general land-based VOC loading (i.e., non-gasoline, non-marine) in the existing §115.217(a)(6), (a)(8), (b)(4), and (c)(4) are being relocated to the proposed §115.213(b)-(d), with the addition of a requirement that loading of VOC with a vapor pressure of 11 psia or more must be controlled by either pressurized loading, a vapor control system, or a vapor balance system.

The proposed changes to §115.214, concerning Inspection Requirements, establish inspection requirements for gasoline terminals and gasoline bulk plants in the regional VOC zone; require annual vapor-tightness testing of gasoline tank-truck tanks in the regional VOC zone; and update references to definitions which are currently in §115.10 but are proposed for inclusion only in §101.1.

The monthly gasoline terminal leak inspection requirement of the existing §115.214(a)(5), which currently applies in the

Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas, is being relocated to the proposed §115.214(a)(2). This monthly gasoline terminal leak inspection requirement is proposed for extension to the Beaumont/Port Arthur ozone nonattainment area and the regional VOC zone.

For marine terminals in the Houston/Galveston ozone nonattainment area, the annual marine vessel vapor-tightness testing requirements in the existing §115.212(a)(8)(B) are being relocated to the proposed §115.214(a)(3)(A). The proposed §115.214(a)(3)(D) (currently §115.214(a)(4)(C)) is being updated to reference an additional vapor-tightness test available under 40 CFR 63.565(c). The inclusion of this second test method for determining marine vessel vapor-tightness will provide additional flexibility.

The proposed §115.214(a)(1)(D), (a)(3)(G), and (b)(1)(D) add exclusions from the leak inspection requirements for fumes from hatches or vents resulting from VOC transfer for which control of the transfer emissions is not required. The proposed §115.214(b)(1)(C) adds a requirement to gasoline terminals and gasoline bulk plants in the regional VOC zone that gasoline tank-truck tanks pass an annual leak-tightness test.

The proposed changes to §115.215, concerning Approved Test Methods, extend the existing test methods to the regional VOC zone and consolidate the existing §115.215(a) and (b) into a single subsection. Because it is not reasonably possible to measure the mass emission rate from an elevated flare (an elevated flare's flame is open to the atmosphere, such that the emissions can not be routed through a stack), the test methods for flow rate and VOC concentration in §115.215(1)-(2) do not apply to flares. In order to specify performance requirements for flares, the proposed §115.215(3) establishes the test requirements of 40 CFR 60.18(b). Because flares can not be stack-tested, the proposed §115.215(3) also specifies that compliance with the requirements of 40 CFR 60.18(b) represents compliance with the emission specifications of §115.211 and the control efficiency requirements of §115.212. The proposed changes to §115.215 also add a new paragraph (10), which authorizes the use of test methods other than those specifically listed in §115.215, provided that any new test method is validated using the procedures in 40 CFR 63, Appendix A, Test Method 301, with the executive director acting as the administrator. This revision is necessary because in some specific unique situations the listed test methods may be inappropriate. The new paragraph (10) increases flexibility by allowing the use of additional test methods which may be more cost-effective and more appropriate in certain unique situations.

The proposed changes to §115.216, concerning Monitoring and Recordkeeping Requirements, extend the recordkeeping requirements to gasoline terminals and gasoline bulk plants in the regional VOC zone; update references to definitions which are currently in §115.10 but are proposed for inclusion only in §101.1; revise a reference to the EPA for consistency with the commission's style guidelines; consolidate the existing §115.216(a) and (b) into a single subsection; add a requirement that records must include information on how the design standard and operation of equipment meets the emission specifications and control requirements; specify that flares must meet the requirements of 40 CFR 60.18(b) and Chapter 111; and state that records of appropriate operating parameters must be kept for types of vapor control systems not specifically listed in §115.216(1)(A) and (B). The proposed §115.216(1)(A)(iv) and (1)(B) specify exhaust gas temperature monitoring of vapor

combustors, with an option that the owner/operator of an existing vapor combustor may consider it to be a flare and monitor the unit under the flare requirements specified in 40 CFR 60.18(b) and Chapter 111. These revisions are necessary to ensure that control devices are functioning properly, and to clarify how vapor combustors are to be monitored. Based upon information from the New Source Review Permits Division, most existing flares at gasoline terminals and land-based general VOC (non-gasoline) loading facilities meet the design and operating criteria of 40 CFR 60.18(b). The commission solicits information regarding gasoline terminals and land-based general VOC loading facilities which are equipped with flares that do not meet the requirements of 40 CFR 60.18(b).

The existing §115.216(a)(3)-(5), (b)(3), and (b)(5), which specify the daily recordkeeping for land-based VOC transfer operations, have been consolidated and relocated to the proposed §115.216(3), with the only records required being those which are necessary to establish compliance with, or exemption from, the rule requirements. The existing §115.216(a)(1) and (b)(1), which require a daily record of the total quantity of VOC loaded at the plant, have been consolidated and relocated to the proposed §115.216(3)(D), and the applicability reduced. Specifically, this record of daily VOC loaded will only be required when needed to establish the exemption eligibility of loading operations and gasoline bulk plants below the 20,000 and 4,000 gallons per day thresholds, respectively. Similarly, for general VOC (non-gasoline) transfer operations in which all VOC handled has a low vapor pressure, the proposed §115.216(3)(C) will allow these operations to simply keep records of the type and vapor pressure of each VOC transferred, and any appropriate test results.

Previously, §115.216 did not include specific recordkeeping requirements for land-based VOC transfer operations in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties. The proposed revisions to §115.216 add recordkeeping requirements for land-based general VOC (i.e., non-gasoline) transfer operations in these counties which are sufficient to document compliance with the control requirements, inspection requirements, and exemptions.

The existing §115.216(a)(2)(D) and (b)(2)(D), which concern records associated with control device maintenance activities, are proposed for deletion because maintenance activities are already addressed in §101.7, Maintenance, Start-up and Shutdown Reporting, Recordkeeping, and Operational Requirements.

The proposed changes to §115.217, concerning Exemptions, establish an exemption for small (less than 4000 gallons per day) gasoline bulk plants in the regional VOC zone; update references to definitions which are currently in §115.10 but are proposed for inclusion only in §101.1; revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and consolidate the existing §115.217(b) and (c) into a single subsection.

In addition, the 90% overall control options for marine terminals and general land-based VOC loading (i.e., non-gasoline, non-marine) in the existing §115.217(a)(6), (a)(8), (b)(4), and (c)(4) are being relocated to the proposed §115.213(b)-(d). The marine vessel exemptions in the existing §115.217(a)(4) and (7) are being relocated to the proposed §115.217(a)(5), and the proposed §115.217(a)(5)(A)(ii) is being added to clarify that

transfer of VOC from one marine vessel to another marine vessel ("lightering") is exempt, as long as the VOC transfer does not use loading arm(s), pump(s), meter(s), valve(s), or piping that are part of a marine terminal. Any lightering which uses a marine terminal's loading arm(s), pump(s), meter(s), valve(s), or piping is treated as though the VOC was loaded directly from the marine terminal into the marine vessel, and is required to be controlled the same as any other marine vessel loading which occurs at the terminal.

Further, the existing exemptions for low vapor pressure VOC loading, low throughput of land-based VOC loaded, crude oil, condensate, liquefied petroleum gas (LPG), and small gasoline bulk plants are proposed for revision to make clear which requirements these operations must meet. In the existing §115.217(a)(1)-(3), (b)(1)-(3), and (c)(1)-(3), low vapor pressure VOC loading, low throughput of land-based VOC loaded, and LPG are exempt from the requirements of §115.212 only. Similarly, the existing §115.217(b)(3) and (c)(3) exempt the transfer of crude oil and condensate in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis and Victoria Counties from the requirements of §115.212 only. The proposed revisions will require that after unloading, the transport vessel must be kept vapor-tight until the vapors in the transport vessel are returned to a loading, cleaning, or degassing operation and are discharged in accordance with the control requirements of that operation.

The proposed revisions will broaden the existing exemptions for crude oil and condensate (applicable only in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis and Victoria Counties), LPG, low vapor pressure VOC loading, low throughput of land-based VOC loading, and small gasoline bulk plants to exempt most inspection, testing, and recordkeeping requirements. However, these operations will continue to be required to conduct inspections for visible liquid leaks, cease VOC transfer when a liquid leak is observed, and repair the leak before transferring additional VOC. General land-based (i.e., non-gasoline) transfer of low vapor pressure VOC and small general land-based VOC loading plants which handle both exempt and non-exempt VOC will be required to maintain records of test results (e.g., vapor pressure testing) and the vapor pressure and type of each VOC transferred (excluding gasoline). As noted previously, under the proposed §115.216(3)(D), the requirement of the current §115.216(a)(1) and (b)(1) to maintain records of total VOC loaded will continue to apply to low throughput gasoline bulk plants and low throughput general VOC loading operations.

The proposed changes to §115.219, concerning Counties and Compliance Schedules, specify the compliance schedule for the new requirements; delete language which is obsolete due to the passing of a November 15, 1996 compliance date; and revise references to the TNRCC and the EPA for consistency with the commission's style guidelines.

The proposed changes to §115.221, concerning Emission Specifications, add an emission limit for filling of gasoline storage tanks at motor vehicle fuel dispensing facilities in the regional VOC zone, and change a reference from "vapor recovery system" to "vapor control system" for clarification. This emission limit is the same one already required in ozone nonattainment counties.

The proposed changes to §115.222, concerning Control Requirements, extend to the regional VOC zone the requirements

designed to minimize emissions during these gasoline transfer operations, as well as the requirement that filling of gasoline storage tanks at motor vehicle fuel dispensing facilities be controlled through a vapor balance system rather than vented to the atmosphere. The proposed changes to §115.222 also require non-coaxial Stage I connections for the installation of new storage tanks or modification of existing storage tanks in the regional VOC zone after December 22, 1998. In addition, the proposed changes to §115.222 extend to the regional VOC zone the requirement that VOC vapors remaining in tank-truck tanks after unloading be kept in vapor-tight tank-truck tanks until the vapors are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation. Finally, the proposed changes to §115.222 update references to definitions which are currently in §115.10 but are proposed for inclusion only in §101.1; and delete language which is obsolete upon the passing of the final Stage II compliance deadline on December 22, 1998.

The proposed changes to §115.223, concerning Alternate Control Requirements, revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and establish the availability of alternate means of control in the regional VOC zone.

The proposed changes to §115.224, concerning Inspection Requirements, extend to the regional VOC zone the inspection requirements for gasoline transfers at motor vehicle fuel dispensing facilities and the annual vapor-tightness testing requirement for gasoline tank-truck tanks; revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and update the title of the division subsequent to a previous name change.

The proposed changes to §115.225, concerning Approved Test Methods, extend the existing test methods to the regional VOC zone.

The proposed changes to §115.226, concerning Recordkeeping Requirements, establish recordkeeping requirements for motor vehicle fuel dispensing facilities in the regional VOC zone; add recordkeeping requirements for exempt facilities in the regional VOC zone to ensure compliance with the gasoline tank-truck leak testing requirements; and correct the title of a division.

The proposed changes to §115.227, concerning Exemptions, establish exemptions for gasoline storage tanks in the regional VOC zone; add an exemption from gasoline throughput recordkeeping for small gasoline storage tanks (no more than 1,000 gallons capacity); clarify that the requirements are applicable to motor vehicle fuel dispensing facilities; revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and correct the title of a division. The proposal includes an exemption for gasoline stations in the regional VOC zone with a throughput less than 125,000 gallons per month.

The proposed changes to §115.229, concerning Counties and Compliance Schedules, specify the compliance schedules for the new requirements in the regional VOC zone; revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and correct the title of a division. The proposed changes to §115.229 specify that larger gasoline stations (those with a throughput of at least 125,000 gallons per month) are required to comply by December 31, 1999. The intent of the phrase "as

soon as practicable, but no later than..." in §115.229(d) is that before the applicable compliance date, gasoline stations which are equipped for Stage I vapor recovery must utilize Stage I for each gasoline delivery by a gasoline tank-truck which is likewise equipped for Stage I vapor recovery. The commission solicits comments regarding possible city, county, or state incentives to encourage early implementation of the Stage I requirements.

The proposed changes to §115.234, concerning Inspection Requirements, establish annual vapor-tightness testing requirements for gasoline tank-truck tanks in the regional VOC zone; and revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998).

The proposed changes to §115.235, concerning Inspection Requirements, specify the testing requirements and approved test methods for gasoline tank-truck tanks in the regional VOC zone. The proposed changes to §115.235 also clarify that the alternative testing option of the existing §115.235(4) applies to tank-truck tanks not required to be equipped with vapor collection equipment (e.g., pressure tanks), and more specifically references the leakage test method of 49 CFR 180.407(h).

The proposed changes to §115.236, concerning Inspection Requirements, add recordkeeping requirements for gasoline tank-truck leak testing in the regional VOC zone; clarify that records of leakage tests conducted under 49 CFR 180.407(h) should be kept as specified in 49 CFR 180.417 instead of Method 27 records; and revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998); and revise references to the TNRCC and the EPA for consistency with the commission's style guidelines.

The proposed changes to §115.237, concerning Exemptions, add an exemption in the regional VOC zone for transport vessels other than tank-trucks (e.g., railcars); delete language which is obsolete due to the passing of a May 31, 1995 compliance date; and revise the term "undesignated head" to "division" in response to recently revised *Texas Register* rules (23 TexReg 1289, February 13, 1998).

The proposed changes to §115.239, concerning Counties and Compliance Schedules, specify the compliance schedule for the gasoline tank-truck leak testing in the regional VOC zone; and delete language which is obsolete due to the passing of January 31, 1994 and May 31, 1995 compliance dates. The intent of the phrase "as soon as practicable, but no later than..." in §115.239(b) is that before the applicable compliance date, gasoline tank-trucks which are equipped for Stage I vapor recovery must utilize Stage I for each gasoline delivery at a gasoline station which is likewise equipped for Stage I vapor recovery.

FISCAL NOTE Jeff Grymkoski, Director, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no significant fiscal implications for state and local governments to administer or enforce the proposed amendments. Specifically, the Field Operations Division and the Enforcement Division of the Office of Compliance and Enforcement are responsible for enforcing the Chapter 115 rules, with the Air Program responsible for the gasoline bulk plant, gasoline terminal, and tank-truck leak testing rules, and the Waste Program responsible for the petroleum storage tank (PST) rules at gasoline stations. The

Waste Program's inspectors could enforce the Stage I vapor recovery rules at gasoline stations when conducting their routine PST inspections.

Most of the gasoline terminals which will have to comply with the proposed rules are currently subject to air permits and/or to similar requirements under 40 CFR 63, Subpart R (the Gasoline Distribution NESHAP), and therefore are already being inspected for compliance. Consequently, only a limited number of additional gasoline terminals will need to be inspected for compliance with the proposed Chapter 115 rules. Based on a survey of throughput at gasoline bulk plants, an estimated 75% are expected to be exempt from the vapor balance requirement because their gasoline throughput is less than 4000 gallons per day (averaged over each consecutive 30-day period). Therefore, only a relatively small number of gasoline bulk plants will need to be inspected for compliance with the substantive requirements of the proposed rules. The Air Program's inspectors could enforce the gasoline tank-truck leak testing requirements when conducting their routine inspections at gasoline terminals and gasoline bulk plants. In conclusion, enforcement of these rules will not significantly increase the number of facilities currently inspected by the state and local governments. However, these rules will cause a minor increase in workload when inspecting the affected facilities.

PUBLIC BENEFIT Mr. Grymkoski has also determined that for each year of the first five years the proposed revisions are in effect, the public benefit anticipated as a result of implementing the sections will be satisfaction of requirements of the FCAA, and reductions of ground-level ozone in ozone near-nonattainment areas, ozone nonattainment areas, and surrounding counties, as well as reduced public exposure to air toxics such as benzene. The costs to small businesses, persons, or businesses who are required to comply with the rules as proposed are as follows.

For gasoline stations not currently equipped to meet the Stage I vapor recovery requirements, the commission estimates capital costs to be \$1500 to \$1750 per gasoline storage tank, based upon current vendor cost estimates. Since the typical gasoline station has two or three gasoline storage tanks, the total capital costs are estimated to be approximately \$3000 to \$5250 per gasoline station. The annual cost of maintenance, taxes, and insurance is estimated to be \$210 to \$368 per gasoline station, based upon methodology in the EPA's *Evaluation of Air Pollution Regulatory Strategies for Gasoline Marketing Industry* (July 1984). The number of gasoline storage tanks does not vary considerably with gasoline throughput and averages 2.45 gasoline tanks per gasoline station, based upon underground storage tank registration data submitted to the Petroleum Storage Tank Division. Consequently, the capital cost estimates are independent of gasoline throughput. Assuming a retail gasoline price of \$1.00 per gallon and a throughput of 125,000 gallons per month, the smallest gasoline stations affected by the Stage I rules would incur a cost of approximately \$.04 to \$.07 per \$100 of annual gasoline sales. By comparison, the largest gasoline stations affected by the Stage I rules (those with a throughput of at least 200,000 gallons per month) would incur a cost of approximately \$.03 to \$.04 per \$100 of annual gasoline sales. The cost-effectiveness for the gasoline stations affected by the Stage I rules is approximately \$165 to \$193 per ton of VOC reduced. By comparison, the EPA estimated the cost-effectiveness of recently promulgated motor vehicle control programs in EPA's *Tier 2 Study, EPA420-R-98-008* (July 31, 1998) as follows: 1) \$6000

per ton of VOC reduced and \$1380 to \$1800 per ton of NO_x reduced for Tier 1 standards for light-duty vehicles and light-duty trucks; 2) \$457 to \$552 per ton of VOC reduced and \$150 to \$172 per ton of NO_x reduced for supplemental federal test procedure (SFTP) standards for aggressive driving; 3) \$2050 to \$2574 per ton of NO_x reduced for SFTP standards for emissions with the air conditioner on; and 4) \$1974 per ton of VOC reduced and \$1974 per ton of NO_x reduced for on-board diagnostics requirements.

In order to estimate the Stage I emission reductions, the commission obtained statewide gasoline throughput data from gasoline tax records. The statewide gasoline throughput was allocated to each county by the estimated vehicle miles traveled. The gasoline throughput for each county was then allocated among the various gasoline station throughput categories according to the gasoline station throughput distribution for Harris County and six surrounding less-urbanized counties (Brazoria, Fort Bend, Galveston, Liberty, Montgomery, and Waller) found in the EPA's *Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling at Gasoline Dispensing Facilities* (November 1991). The number of gasoline stations and associated gasoline tanks for each county, based upon the PST Division's underground storage tank registration data, was then allocated based upon the gasoline station throughput distribution for Harris County and six surrounding counties from the EPA's *Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling at Gasoline Dispensing Facilities* (November 1991). The four most populated counties in the regional VOC zone (Bexar, Nueces, McLennan, and Travis) were assumed to be similar to Harris County in throughput distribution, and the remaining counties in the regional VOC zone were assumed to be similar to the weighted average of the distributions for Brazoria, Fort Bend, Galveston, Liberty, Montgomery, and Waller Counties. A summary of the approximate number of gasoline stations in each size category, annualized cost of Stage I controls, VOC reductions, and average cost effectiveness is as follows:

Figure: 30 TAC Chapter 115 preamble

For gasoline tank-trucks not currently equipped to meet the vapor recovery requirements, the commission estimates the capital cost to be approximately \$1700 to \$2700 per gasoline tank-truck. The commission estimates the annual Method 27 vapor tightness testing for gasoline tank-trucks to cost approximately \$360 to \$650 per gasoline tank-truck. These cost estimates are based on current vendor quotations. Assuming a one-person operation with one gasoline tank-truck, the smallest gasoline transport companies affected by the proposed rules would incur a first-year cost of approximately \$2060 to \$3350 per employee. By comparison, the largest gasoline transport companies affected by the proposed rules (with about 425 trucks and 575 total employees) would incur a first-year cost of approximately \$1523 to \$2476 per employee.

For gasoline bulk plants not currently equipped to conduct gasoline transfer using a vapor balance, the commission estimates the capital cost to be approximately \$71,350 with the annual cost of maintenance, taxes, and insurance estimated to be \$4995 per gasoline bulk plant, based upon estimates in the EPA's *Evaluation of Air Pollution Regulatory Strategies for Gasoline Marketing Industry* (July 1984), adjusted for inflation. According to this guidance document, the number of gasoline storage tanks, distance to the loading rack, and number of loading arms does not vary considerably with gasoline

throughput. Consequently, the capital cost estimates are independent of gasoline throughput. Assuming a wholesale gasoline price of \$0.87 per gallon and a throughput of 4,000 gallons per day, the smallest gasoline bulk plants affected by the proposed rules would incur a cost of approximately \$1.02 per \$100 of annual gasoline sales. By comparison, the largest gasoline bulk plants affected by the gasoline bulk plant rules (those with a throughput of 19,999 gallons per day) would incur a cost of approximately \$0.10 per \$100 of annual gasoline sales.

For gasoline terminals not currently equipped with loading lock-out instrumentation, the commission estimates the installation of this instrumentation to cost approximately \$3000, based on current vendor estimates. The annual cost of maintenance, taxes, and insurance is estimated to be \$210 per gasoline terminal, based upon methodology in the EPA's *Evaluation of Air Pollution Regulatory Strategies for Gasoline Marketing Industry* (July 1984). These cost estimates are independent of gasoline throughput. Assuming a wholesale gasoline price of \$0.87 per gallon and a throughput of 20,000 gallons per day, the smallest gasoline terminals affected by the proposed rules would incur a cost of approximately \$0.01 per \$100 of annual gasoline sales. By comparison, the largest gasoline terminals affected by the loading lockout requirement (those with a throughput of 500,000 gallons per day) would incur a cost of approximately \$0.0004 per \$100 of annual gasoline sales.

For gasoline terminals and land-based general VOC (non-gasoline) loading facilities equipped with flares that do not meet the requirements of 40 CFR 60.18(b), the commission estimates that installing a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate the continuous presence of a flame would cost approximately \$19,300 to \$22,300, based upon vendor estimates. The commission estimates the cost of testing to determine the exit velocity and the net heating value of the vapors being combusted to be approximately \$6000, based upon vendor estimates. These cost estimates are independent of gasoline throughput. Assuming a wholesale gasoline price of \$0.87 per gallon and a throughput of 20,000 gallons per day, the smallest gasoline terminals affected by the proposed rules would incur a cost of approximately \$0.10 per \$100 of annual gasoline sales. By comparison, the largest gasoline terminals affected by the 40 CFR 60.18(b) requirement (those with a throughput of 500,000 gallons per day) would incur a cost of approximately \$0.004 per \$100 of annual gasoline sales. For land-based general VOC (non-gasoline) loading facilities, the ratio of costs between small and large facilities is expected to be approximately the same as for gasoline terminals. In order to address the disparity in cost to small businesses, the commission has included exemptions to cover as many small businesses as possible while allowing the rule to accomplish its emission reduction purpose. For example, the proposal includes exemptions for gasoline stations with less than 125,000 gallons per month gasoline throughput; stationary gasoline tanks with a nominal storage capacity no more than 1000 gallons; and gasoline bulk plants which load less than 4000 gallons per month into transport vessels per day.

DRAFT REGULATORY IMPACT ANALYSIS The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and has determined that the rulemaking is not subject to §2001.0225 because although it meets the definition of a "major environmental rule" as defined in the act, it does not meet any of the four applicability requirements listed in §2001.0225(a).

Specifically, the emission limitations and control requirements within this proposal were developed in order to meet the National Ambient Air Quality Standards (NAAQS) for ozone set by the EPA under §109 of the 1990 FCAA. States are primarily responsible for ensuring attainment and maintenance of NAAQS once the EPA has established them. Under §110 of the FCAA and related provisions, states must submit, for approval by the EPA, SIPs that provide for the attainment and maintenance of NAAQS through control programs directed to sources of the pollutants involved. This proposal is not an express requirement of state law, but was developed specifically in order to meet the air quality standards established under federal law as NAAQS. Specifically, this proposal is intended to help bring ozone nonattainment areas into compliance, and help keep attainment and near- nonattainment areas from going into nonattainment. There is no contract or delegation agreement that covers the topic that is the subject of this rulemaking. Therefore, this proposal does not involve an agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program, and was not developed solely under the general powers of the agency. The commission invites public comment on the draft regulatory impact analysis.

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 rulemaking is to extend to the 95-county regional VOC control zone the Chapter 115 rules for Stage I vapor recovery, gasoline terminals, gasoline bulk plants, and gasoline tank-truck leak testing which currently apply in the Beaumont/Port Arthur, El Paso, Houston/ Galveston, and Dallas/Fort Worth ozone nonattainment areas. This rulemaking is part of the new Texas Clean Air Strategy which includes a variety of options to control ground-level ozone. The purpose is to help keep ozone attainment and near-nonattainment areas, such as Austin, Corpus Christi, Longview/Tyler/Marshall, and San Antonio, in compliance with the federal ozone standard, and to help the Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston ozone nonattainment areas reach attainment. Promulgation and enforcement of the rule amendments may possibly burden private real property because this rulemaking action requires the installation of Stage I vapor recovery systems at gasoline stations, which includes the permanent installation of subsurface piping. In addition, this rulemaking action requires the installation of a vapor balance system at gasoline bulk plants, which also requires the permanent installation of piping. Finally, this rulemaking action requires the permanent installation of a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate the continuous presence of a flame. Although the rule revisions do not directly prevent a nuisance, prevent an immediate threat to life or property, or prevent a real and substantial threat to public health and safety, the rule revisions fulfill a federal mandate under §110 of the 1990 Amendments to the FCAA. Specifically, the emission limitations and control requirements within this proposal were developed in order to meet the NAAQS for ozone set by the EPA under §109 of the FCAA. States are primarily responsible for ensuring attainment and maintenance of NAAQS once the EPA has established them. Under §110 of the FCAA and related provisions, states must submit, for approval by the EPA, SIPs that provide for the attainment and maintenance of NAAQS through control programs directed to sources of the

pollutants involved. Therefore, the purpose of the rule proposal is to meet the air quality standards established under federal law as NAAQS. Consequently, the following exemption applies to these rules: an action reasonably taken to fulfill an obligation mandated by federal law.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW The commission has determined that this rulemaking action is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et. seq.), the rules of the Coastal Coordination Council (31 TAC Chapters 501-506), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3) relating to actions and rules subject to the CMP, agency rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this action for consistency, and has determined that this rulemaking is consistent with the applicable CMP goals and policies. The primary CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations at 40 CFR, to protect and enhance air quality in the coastal area. No new sources of air contaminants will be authorized by the rule revisions, and the revisions will result in a reduction in VOC emissions due to the new control requirements on gasoline stations, gasoline terminals, gasoline bulk plants, and gasoline tank-trucks in the 95-county regional VOC control zone. Therefore, in compliance with 31 TAC §505.22(e), the commission affirms that this rulemaking is consistent with CMP goals and policies. Interested persons may submit comments on the consistency of the proposed rules with the CMP during the public comment period.

PUBLIC HEARINGS Public hearings on this proposal will be held in Austin on January 25, 1999 at 11:00 a.m. in Building F, Room 2210 at the Texas Natural Resource Conservation Commission Complex, located at 12100 Park 35 Circle; in San Antonio on January 25, 1999 at 7:00 p.m. at the San Antonio City Council Chambers located at 103 Main Plaza; in Lufkin on January 26, 1999 at 2:00 p.m. at the Lufkin City Council Chambers located at 300 East Shepherd, Room 102; and in Tyler on January 26, 1999 at 7:00 p.m. at the Tyler Junior College Regional Training and Development Complex located at 1530 South Southwest Loop 323, Room 104. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearings; however, an agency staff member will be available to discuss the proposal 30 minutes before each hearing and will answer questions before and after the hearings.

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 98028-115-AI. Comments must be received by 5:00 p.m., February 1, 1999. For further information, please contact Bill Jordan, Air Policy and Regulations Division, at (512) 239-2583, or Eddie Mack, Air Policy and Regulations Division, at (512) 239-1488.

Subchapter A. Definitions

30 TAC §115.10

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; and TCAA §382.012, which requires the commission to develop plans for protection of the state's air.

The proposed amendments implement 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. Additional definitions for terms used in this chapter are found in §101.1 of this title (relating to Definitions) and §3.2 of this title (relating to Definitions).

[Alcohol (used in offset lithographic printing) - For the purposes of complying with §§115.442, 115.443, 115.445, 115.446, and 115.449 of this title (relating to Offset Lithographic Printing); an alcohol is any of the hydroxyl-containing organic compounds with a molecular weight equal to or less than 74.12, (which includes methanol, ethanol, propanol, and butanol)-]

[Alcohol substitutes (used in offset lithographic printing) - Nonalcohol additives that contain volatile organic compounds (VOC) and are used in the fountain solution. Some additives are used to reduce the surface tension of water; others (especially in the newspaper industry) are added to prevent piling (ink build-up)-]

(1) Bakery oven - An oven for baking bread or any other yeast-leavened products.

[Batch (used in offset lithographic printing) - A supply of fountain solution that is prepared and used without alteration until completely used or removed from the printing process-]

(2) Beaumont/Port Arthur area - Hardin, Jefferson, and Orange Counties.

(3) Capture efficiency - The amount of volatile organic compounds (VOC) collected by a capture system which is expressed as a percentage derived from the weight per unit time of VOC entering a capture system and delivered to a control device divided by the weight per unit time of total VOC generated by a source of VOC.

[Capture system - All equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) that contains, collects, and transports an air pollutant to a control device-]

[Carbon adsorber - An add-on control device which uses activated carbon to adsorb volatile organic compounds from a gas stream-]

(4) Carbon adsorption system - A carbon adsorber with an inlet and outlet for exhaust gases and a system to regenerate the saturated adsorbent.

[Cleaning solution (used in offset lithographic printing) - Liquids used to remove ink and debris from the operating surfaces of the printing press and its parts-]

[Cold solvent cleaning - A batch process that uses liquid solvent to remove soils from the surfaces of metal parts or to dry the parts by spraying, brushing, flushing, and/or immersion while maintaining the solvent below its boiling point. Wipe cleaning (hand cleaning) is not included in this definition.]

(5) Component - A piece of equipment, including, but not limited to pumps, valves, compressors, and pressure relief valves, which has the potential to leak VOC [volatile organic compounds].

[Condensate - Liquids that result from the cooling and/or pressure changes of produced natural gas. Once these liquids are processed at gas plants or refineries or in any other manner, they are no longer considered condensates.]

[Consumer solvent products - Products sold or offered for sale by wholesale or retail outlets for individual, commercial, or industrial use which may contain VOC, including household products, toiletries, aerosol products, rubbing compounds, windshield washer fluid, polishes and waxes, nonindustrial adhesives, space deodorants, moth control products, or laundry treatments.]

(6) Continuous monitoring - Any monitoring device used to comply with a continuous monitoring requirement of this chapter will be considered continuous if it can be demonstrated that at least 95% of the required data is captured.

[Control device - Equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutant(s) in an air stream prior to discharge to the ambient air.]

[Control system - A combination of one or more capture system(s) and control device(s) working in concert to reduce discharges of air pollutants to the ambient air.]

[Conveyorized degreasing - A solvent cleaning process that uses an automated parts handling system, typically a conveyor, to automatically provide a continuous supply of metal parts to be cleaned or dried using either cold solvent or vaporized solvent. A conveyorized degreasing process is fully enclosed except for the conveyor inlet and exit portals.]

[Custody transfer - The transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.]

(7) Cutback asphalt - Any asphaltic cement which has been liquified by blending with petroleum solvents (diluent).

(8) Dallas/Fort Worth area - Collin, Dallas, Denton, and Tarrant Counties.

(9) El Paso area - El Paso County.

[Exempt solvent - Those carbon compounds or mixtures of carbon compounds used as solvents which have been excluded from the definition of volatile organic compounds.]

(10) External floating roof - A cover or roof in an open-top tank which rests upon or is floated upon the liquid being contained and is equipped with a single or double seal to close the space between the roof edge and tank shell. A double seal consists of two complete and separate closure seals, one above the other, containing an enclosed space between them. An external floating roof storage tank which is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) shall be considered to be an internal floating roof storage tank.

(11) Flare - An open combustor without enclosure or shroud.

(12) Flexographic printing process - A method of printing in which the image areas are raised above the non-image areas, and the image carrier is made of an elastomeric material.

[Fountain solution (used in offset lithographic printing) - A mixture of water, nonvolatile printing chemicals, and an additive (liquid) that reduces the surface tension of the water so that it spreads easily across the printing plate surface. The fountain solution wets the nonimage areas so that the ink is maintained within the image areas. Isopropyl alcohol, a volatile organic compound, is the most common additive used to reduce the surface tension of the fountain solution.]

(13) Fugitive emission - Any VOC [volatile organic compound] entering the atmosphere which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening designed to direct or control its flow.

[Gasoline - Any petroleum distillate having a Reid vapor pressure (RVP) of four pounds per square inch (27.6 kPa) or greater which is produced for use as a motor fuel and is commonly called gasoline.]

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

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

[Hand-held lawn and garden and utility equipment - Equipment that requires its full weight to be supported by the operator to perform its function and requires multi-positional operation.]

[Heatset (used in offset lithographic printing) - Any operation where heat is required to evaporate ink oil from the printing ink. Hot air dryers are used to deliver the heat.]

(16) Houston/Galveston area - Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

(17) Independent small business marketer of gasoline - A person engaged in the marketing of gasoline who owns the dispensing equipment at a motor vehicle fuel dispensing facility and receives at least 50% of his annual income from the marketing of gasoline. A person is not an independent small business marketer of gasoline if such person:

(A) is a refiner; or

(B) controls (i.e., owns more than 50% of a business or corporation's stock), is controlled by, or is under common control with, a refiner; or

(C) is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner (unless the sole affiliation is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person).

[Industrial solid waste - Solid waste resulting from, or incidental to, any process of industry or manufacturing, or mining or agricultural operations, classified as follows:]

{(A) Class I industrial solid waste or Class I waste is any industrial solid waste designated as Class I by the Executive Director as any industrial solid waste or mixture of industrial solid wastes that because of its concentration or physical or chemical

characteristics is toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or otherwise managed, including hazardous industrial waste, as defined in §335.1 of this title (relating to Definitions) and §335.505 of this title (relating to Class I Waste Determination).]

[(B) Class II industrial solid waste is any individual solid waste or combination of industrial solid wastes that cannot be described as Class I or Class III, as defined in §335.506 of this title (relating to Class II Waste Determination).]

[(C) Class III industrial solid waste is any inert and essentially insoluble industrial solid waste, including materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable as defined in §335.507 of this title (relating to Class III Waste Determination).]

(18) Internal floating cover - A cover or floating roof in a fixed roof tank which rests upon or is floated upon the liquid being contained, and is equipped with a closure seal or seals to close the space between the cover edge and tank shell. An external floating roof storage tank which is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) shall be considered to be an internal floating roof storage tank.

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

(19) Leak-free marine vessel - A marine vessel whose cargo tank closures (hatch covers, expansion domes, ullage openings, butterworth covers and gauging covers) were inspected prior to cargo transfer operations and all such closures were properly secured such that no leaks of liquid or vapors can be detected by sight, sound, or smell. Cargo tank closures shall meet the applicable rules or regulations of the marine vessel's classification society or flag state. Cargo tank pressure/vacuum valves shall be operating within the range specified by the marine vessel's classification society or flag state and seated when tank pressure is less than 80% of set point pressure such that no vapor leaks can be detected by sight, sound, or smell. As an alternative, a marine vessel operated at negative pressure is assumed to be leak-free for the purpose of this standard.

[Liquid-mounted seal - A primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.]

[Lithography (used in offset lithographic printing) - A printing process where the image and nonimage areas are chemically differentiated; the image area is oil receptive, and the nonimage area is water receptive. This method differs from other printing methods, where the image is a raised or recessed surface.]

(20) Marine loading facility - The loading arm(s), pumps, meters, shutoff valves, relief valves, and other piping and valves that are part of a single system used to fill a marine vessel at a single geographic site. Loading equipment that is physically separate (i.e., does not share common piping, valves, and other loading equipment) is considered to be a separate marine loading facility.

(21) Marine loading operation - The transfer of oil, gasoline, or other volatile organic liquids at any affected marine terminal, beginning with the connections made to a marine vessel and ending with the disconnection from the marine vessel.

(22) Marine terminal - Any marine facility or structure constructed to load oil, gasoline, or other volatile organic liquid bulk cargo into a marine vessel. A marine terminal consists of one or more marine loading facilities.

[Marine vessel - Any watercraft used, or capable of being used, as a means of transportation on water, and that is constructed or adapted to carry, or that carries, oil, gasoline, or other volatile organic liquid in bulk as a cargo or cargo residue.]

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

[Motor vehicle fuel dispensing facility - Any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.]

[Municipal solid waste facility - All contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units, e.g., one or more landfills, surface impoundments, or combinations of them.]

[Municipal solid waste landfill - A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 257.2 of 40 Code of Federal Regulations, Part 257. A municipal solid waste landfill (MSWLF) unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small-quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.]

[Municipal solid waste landfill emissions - Any gas derived from a natural process through the decomposition of organic waste deposited in a municipal solid waste disposal site or from the VOC in the waste.]

(23) Natural gas/gasoline processing - A process that extracts condensate from gases obtained from natural gas production and/or fractionates natural gas liquids into component products, such as ethane, propane, butane, and natural gasoline. The following facilities shall be included in this definition if, and only if, located on the same property as a natural gas/gasoline processing operation previously defined: compressor stations, dehydration units, sweetening units, field treatment, underground storage, liquified natural gas units, and field gas gathering systems.

[Non-heatset (used in offset lithographic printing) - Any operation where the printing inks are set without the use of heat. For the purposes of this rule, ultraviolet-cured and electron beam-cured inks are considered non-heatset.]

[Offset lithography - A printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket) which, in turn, transfers the ink film to the substrate.]

[Open-top vapor degreasing - A batch solvent cleaning process that is open to the air and which uses boiling solvent to create solvent vapor used to clean or dry metal parts through condensation of the hot solvent vapors on the colder metal parts.]

(24) Owner or operator of a motor vehicle fuel dispensing facility (as used in §§115.241-115.249 of this title, relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel

Dispensing Facilities) - Any person who owns, leases, operates, or controls the motor vehicle fuel dispensing facility.

(25) Packaging rotogravure printing - Any rotogravure printing upon paper, paper board, metal foil, plastic film, or any other substrate which is, in subsequent operations, formed into packaging products or labels.

(26) Petroleum refinery - Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oil, or through the redistillation, cracking, extraction, reforming, or other processing of unfinished petroleum derivatives.

(27) Polymer and resin manufacturing process - A process that produces any of the following polymers or resins: polyethylene, polypropylene, polystyrene, and styrenebutadiene latex.

(28) Printing line - An operation consisting of a series of one or more printing processes and including associated drying areas.

~~[Process or processes - Any action, operation, or treatment embracing chemical, commercial, industrial, or manufacturing factors such as combustion units, kilns, stills, dryers, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit smoke, particulate matter, gaseous matter, or visible emissions.]~~

~~[Property - All land under common control or ownership coupled with all improvements on such land, and all fixed or movable objects on such land, or any vessel on the waters of this state.]~~

(29) Publication rotogravure printing - Any rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, or other types of printed materials.

(30) Regional VOC zone - Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties.

~~[Remote reservoir cold solvent cleaning - Any cold solvent cleaning operation in which liquid solvent is pumped to a sink-like work area that drains solvent back into an enclosed container while parts are being cleaned, allowing no solvent to pool in the work area.]~~

(31) Rotogravure printing - The application of words, designs, and/or pictures to any substrate by means of a roll printing technique which involves a recessed image area. The recessed area is loaded with ink and pressed directly to the substrate for image transfer.

~~[Sludge - Any solid or semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant; water supply treatment plant, exclusive of the treated effluent from a wastewater treatment plant; or air pollution control equipment.]~~

~~[Solid waste - Garbage, rubbish, refuse, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control~~

~~equipment, and other discarded material, including solid, liquid, semisolid, or containerized gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:]~~

~~[(A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under the Water Code, Chapter 26;]~~

~~[(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land, if the object of the fill is to make the land suitable for the construction of surface improvements; or]~~

~~[(C) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources, and other substance or material regulated by the Railroad Commission of Texas under the Natural Resources Code, 91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the Administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act, as amended (42 USC, 6901 et seq).]~~

~~[Source - A point of origin of air contaminants, whether privately or publicly owned or operated. Upon request of a source owner, the executive director shall determine whether multiple processes emitting air contaminants from a single point of emission will be treated as a single source or as multiple sources.]~~

~~[Submerged fill pipe - A fill pipe that extends from the top of a tank to have a maximum clearance of six inches (15.2 cm) from the bottom or, when applied to a tank which is loaded from the side, that has a discharge opening entirely submerged when the pipe used to withdraw liquid from the tank can no longer withdraw liquid in normal operation.]~~

(32) 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.

(33) 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.

(34) Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation operation - A SOCMI 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.

(35) 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 steam jets), and recovery devices (such as absorbers, carbon adsorbers, and condensers) which are capable of, and used for, recovering chemicals for use, reuse, or sale.

(36) 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.

(37) Synthetic organic chemical manufacturing process - A process that produces, as intermediates or final products, one or more of the chemicals listed in Table I of this section. Figure: 30 TAC §115.10(37)

[System or device - Any article, chemical, machine, equipment, or other contrivance, the use of which may eliminate, reduce, or control the emission of air contaminants to the atmosphere.]

(38) Tank-truck tank - Any storage tank having a capacity greater than 1,000 gallons, mounted on a tank-truck or trailer. Vacuum trucks used exclusively for maintenance and spill response are not considered to be tank-truck tanks.

(39) Transport vessel - Any land-based mode of transportation (truck or rail) that is equipped with a storage tank having a capacity greater than 1,000 gallons which is used primarily to transport oil, gasoline, or other volatile organic liquid bulk cargo. Vacuum trucks used exclusively for maintenance and spill response are not considered to be transport vessels.

(40) True partial pressure - The absolute aggregate partial pressure (psia) of all VOC in a gas stream.

[True vapor pressure - The absolute aggregate partial vapor pressure (psia) of all VOC at the temperature of storage, handling, or processing.]

(41) Vapor balance system - A system which provides for containment of hydrocarbon vapors by returning displaced vapors from the receiving vessel back to the originating vessel.

[Vapor-mounted seal - A primary seal mounted so there is an annular space underneath the seal. The annular vapor space is bound by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof or cover.]

(42) Vapor combustor - A partially enclosed combustion device, where the combustion flame may be partially visible, but at no time does the device operate with a fully visible flame. A vapor combustor is used to destroy VOCs to the destruction requirements defined in the applicable emission specifications and control requirements sections of this chapter by smokeless combustion without extracting energy in the form of process heat or steam. Auxiliary fuel and/or a flame air control damping system, which can operate at all times to control the air/fuel mixture to the combustor's flame zone, may be required to ensure smokeless combustion during operation.

(43) Vapor control system - Any control system which utilizes vapor collection equipment to route VOC to a control device that reduces VOC emissions.

(44) Vapor recovery system - Any control system which utilizes vapor collection equipment to route VOC [volatile organic compounds (VOC)] to a control device that reduces VOC emissions.

(45) Vapor-tight - Not capable of allowing the passage of gases at the pressures encountered except where other acceptable leak-tight conditions are prescribed in the regulations.

[Vent - Any duct, stack, chimney, flue, conduit, or other device used to conduct air contaminants into the atmosphere.]

[Volatile organic compound (VOC) water separator - Any tank, box, sump, or other container in which any VOC floating on or contained in water entering such tank, box, sump, or other container is physically separated and removed from water prior to outfall, drainage, or recovery of such water.]

(46) Waxy, high pour point crude oil - A crude oil with a pour point of 50 degrees Fahrenheit (10 degrees Celsius) or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

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.

Filed with the Office of the Secretary of State, on December 18, 1998.

TRD-9818440

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: May 26, 1999

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



Subchapter C. Volatile Organic Compound Transfer Operations

Division 1. Loading and Unloading of Volatile Organic Compounds

30 TAC §§115.211-115.217, 115.219

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 Texas Natural Resource Conservation Commission (commission) with the authority to adopt rules consistent with the policy and purposes of the TCAA; and TCAA §382.012, which requires the commission to develop plans for protection of the state's air.

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

§115.211. Emission Specifications.

[(+) The owner or operator of each gasoline terminal and gasoline bulk plant in the regional VOC zone and [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), shall ensure that [the following emission specifications shall apply:]

[(+) VOC [volatile organic compound (VOC)] emissions from gasoline transfer do not exceed the following rates:

(1) from the vapor control system vent at gasoline terminals:

(A) in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, [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 loaded into transport vessels.

(B) in the regional VOC zone, 0.17 pound per 1,000 gallons (20 mg/liter) of gasoline loaded into transport vessels. Until December 31, 1999 in Gregg, Nueces, and Victoria Counties, VOC

emissions shall not exceed 0.67 pound per 1,000 gallons (80 mg/liter) of gasoline loaded into transport vessels.

(2) ~~[The maximum loss of VOC due to product transfer] at [a] gasoline bulk plants, [plant, as defined in §115.10 of this title, is limited to] 1.2 pounds per 1,000 gallons (140 mg/liter) of gasoline transferred into transport vessels or storage tanks.~~

~~[(3) 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 the vapor recovery system shall maintain a control efficiency of at least 90%.]~~

~~[(b) For all persons in Gregg, Nueces, and Victoria Counties, VOC emissions from gasoline terminals shall be reduced to a level not to exceed 0.67 pound from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred.]~~

§115.212. Control Requirements.

(a) The owner or operator of each volatile organic compound (VOC) transfer operation, transport vessel, and marine vessel [For all persons] in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas[;] shall comply with the following control requirements [shall apply].

(1) General vapor control. At ~~[volatile organic compound] VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, vapors from the transport vessel caused by [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 must be controlled [to transport vessels unless the vapors are processed] by:~~

(A) a vapor control [recovery] system which maintains a control efficiency of at least 90%; or

(B) [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%.]

(2) Disposal of transported vapors. After unloading, transport vessels must be ~~[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 returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation. [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. The requirement to discharge the vapors remaining in the transport vessel after unloading to a vapor recovery system does not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.]~~

(3) Leak-free requirements. All land-based loading and unloading of VOC shall be conducted such that:

(A) All liquid and vapor lines are:

(i) (No change.)

(ii) equipped to permit residual VOC ~~[in the loading line] after transfer [loading] is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor control [recovery] system or a vapor balance system. After VOC transfer, if~~

necessary to empty a liquid line, the contents may be placed in a portable container, which is then closed and disposed of properly.

(B) There are no VOC leaks, as defined in §101.1 [§115.10] of this title (relating to Definitions), 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)-(D) (No change.)

(E) [(4) If VOC is loaded [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 loading arm's vapor collection 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 control [recovery] system. After VOC transfer, if necessary to empty a liquid line, the contents may be placed in a portable container, which is then closed and disposed of properly.]

(4) Gasoline terminals. The following additional control requirements apply to the transfer of gasoline at gasoline terminals.

(A) [(5) A [No person shall permit the loading of gasoline to a transport vessel from a gasoline terminal unless the vapors are processed by a] vapor control [recovery] system [as defined in §115.10 of this title] must be used to control the vapors from loading each transport vessel.]

(B) Vapor control [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.

(C) Each vapor control system shall be instrumented so that the pump(s) transferring gasoline to the transport vessels will not operate unless the vapor control system is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor control system serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(5) [(6) Gasoline bulk plants. The following additional control requirements apply to [No person shall permit the] transfer of gasoline at [from a transport vessel into a] gasoline bulk plants. [plant storage tank, unless the following requirements are met:]

(A) A vapor balance system must be used between the storage tank and transport vessel. Alternatively, a vapor control system which maintains a control efficiency of at least 90% may be used to control the vapors. [a vapor return line is installed from the storage tank to the transport vessel;]

(B) While filling a transport vessel from a storage tank:

(i) the transport vessel, if equipped for top loading, must use a submerged fill pipe; and

(ii) gauge pressure must not exceed 18 inches of water and vacuum must not exceed six inches of water in the gasoline tank-truck tank.

[(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) 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. The requirement to discharge the vapors remaining in the transport vessel after unloading to a vapor recovery system does not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.]~~

~~[(7) 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.]~~

~~[(6) [(8)] Marine terminals. The following control requirements apply to [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] shall not [to] exceed 0.09 pound [pounds of VOC] from the vapor control [recovery] system vent per 1,000 gallons (10.8 mg/liter) of VOC loaded into the marine vessel, or the vapor control system shall maintain a control efficiency of at least 90%. Alternatively, a vapor balance system may be used to control the vapors.~~

~~[(B) Only [certified] leak-free marine vessels, as defined in §115.10 of this title, shall be used for loading operations. [If no documentation of the annual vapor tightness test is available, one of the following methods may be substituted:]~~

~~[(i) VOC shall be loaded into the marine vessel with the vessel product tank at negative gauge pressure;]~~

~~[(ii) Leak testing shall be performed during loading using Test Method 21. The testing shall be conducted during the final 20% of loading of each product tank of the marine vessel and shall be applied to any potential sources of vapor leaks on the vessel; or]~~

~~[(iii) Documentation of leak testing conducted during the preceding 12 months as described in clause (ii) of this subparagraph shall be provided.]~~

~~[(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.~~

~~[(D) When non-dedicated loading lines are used to load VOC with a true vapor pressure less than 0.5 psia (or a flash point less~~

than 150 degrees Fahrenheit) and the preceding transfer through these lines was VOC with a true vapor pressure equal to or greater than 0.5 psia, the residual VOC vapors from this preceding transfer must be controlled by the vapor control system or vapor balance system specified in subparagraph (A) of this paragraph.

~~[(9) 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.]~~

~~[(7) [(10)] Once-in-always-in. 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 no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to 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 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). 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, permit amendment, standard permit, or standard exemption is not required for the project, the owner/operator has given the executive director 30 days' notice of the project in writing.~~

~~[(b) The owner or operator of each land-based VOC transfer operation and transport vessel in the regional VOC zone shall comply with [For all persons in Gregg, Nueces, and Victoria Counties,] the following control requirements [shall apply].~~

~~[(1) General vapor control in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties. At VOC loading operations other than gasoline terminals and gasoline bulk plants, vapors from the transport vessel caused by [no person shall permit] the loading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions must be controlled [to a transport vessel unless the vapors are processed] by:~~

~~[(A) a vapor control [recovery] system which maintains a control efficiency of at least 90%; or~~

~~[(B) [are controlled by] a vapor balance system, as defined in §115.10 of this title. [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.]~~

~~[(2) Disposal of transported vapors. After unloading, transport vessels must be [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 returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation [discharged to a vapor recovery system if the transport vessel is refilled in Gregg, Nueces, or Victoria Counties].

(3) Leak-free requirements. 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 and that close automatically when disconnected; or

(ii) equipped to permit residual VOC [in the loading line] after transfer [loading] is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor control [recovery] system or a vapor balance system. After VOC transfer, if necessary to empty a liquid line, the contents may be placed in a portable container, which is then closed and disposed of properly.

(B) There are no VOC leaks, as defined in §101.1 [§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) [(C)] Any openings in a transport vessel during unloading are limited to minimum openings which are sufficient to prevent collapse of the transport vessel.

(E) [(4)] If VOC is loaded [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 loading arm's vapor collection 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 control [recovery] system. After VOC transfer, if necessary to empty a liquid line, the contents may be placed in a portable container, which is then closed and disposed of properly.

(4) Gasoline terminals. The following additional control requirements apply to gasoline transfer at gasoline terminals.

(A) A vapor control system must be used to control the vapors from loading the transport vessel.

(B) Vapor control systems and loading equipment at gasoline terminals shall be designed and operated such that gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank-truck.

(C) Each vapor control system shall be instrumented so that the pump(s) transferring gasoline to the transport vessels will not operate unless the vapor control system is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor control system serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(5) Gasoline bulk plants. The following additional control requirements apply to gasoline transfer at gasoline bulk plants.

(A) A vapor balance system must be used between the storage tank and transport vessel. Alternatively, a vapor control system which maintains a control efficiency of at least 90% may be used to control the vapors.

(B) While filling a transport vessel from a storage tank:

(i) the transport vessel, if equipped for top loading, must use a submerged fill pipe; and

(ii) gauge pressure must not exceed 18 inches of water and vacuum must not exceed six inches of water in the gasoline tank-truck tank.

[(5) 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) All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.]

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

[(1) No person shall permit the loading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions to a transport vessel 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. 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.]

[(2) 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 in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis Counties.]

[(3) All 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 and 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) Any openings in a transport vessel during unloading are limited to minimum openings which are sufficient to prevent collapse of the transport vessel.]

~~[(4) 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) All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.]~~

§115.213. Alternate Control Requirements.

~~(a) Alternate means of control. [For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate] Alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division (relating to Loading and Unloading of Volatile Organic Compounds (VOC)) [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) General VOC loading - 90% overall control option in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. As an alternative to §115.212(a)(1) of this title (relating to Control Requirements), VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals may elect to achieve a 90% overall control of emissions at the account from the loading of VOC (excluding loading into marine vessels and loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 0.5 and 11 psia under actual storage conditions, provided that the following requirements are met.~~

~~(1) To qualify for the control option available under this subsection after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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% (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants). Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use the control option available under this subsection for compliance. 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 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.~~

~~(2) The owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year to the executive director, the appropriate 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%. 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.

(3) 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, the appropriate 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%.

(4) All representations in 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.

(5) The loading of VOC with a true vapor pressure greater than or equal to 11 psia under actual storage conditions must be controlled by:

(A) pressurized loading;

(B) a vapor control system which maintains a control efficiency of at least 90%; or

(C) a vapor balance system, as defined in §115.10 of this title (relating to Definitions).

(c) General VOC loading - 90% overall control option in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties. As an alternative to §115.212(b)(1) of this title, VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals may elect to achieve a 90% overall control of emissions at the account from the loading of VOC (excluding loading into marine vessels and loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure between 1.5 and 11 psia under actual storage conditions. Each VOC loading operation using this control option shall meet the requirements of §115.212(b)(1)-(5) of this title, except that 1.5 psia shall be substituted for 0.5 psia in these paragraphs.

(d) Marine vessel loading - 90% control option. As an alternative to §115.212(a)(6)(A) of this title, marine terminals may elect to achieve a 90% 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, provided that the following requirements are met.

(1) To qualify for the control option available under this subsection after December 31, 1996, the owner or operator of a

marine terminal for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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%. Any control plan submitted after December 31, 1996 must be approved by the executive director before the owner or operator may use the control option available under this subsection for compliance. For each marine loading facility and any associated control device at the marine terminal, the control plan 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.

(2) The owner or operator of the marine terminal shall submit an annual report no later than March 31 of each year to the executive director, the appropriate 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%. 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.

(3) All representations in 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.

(4) The loading of VOC with a true vapor pressure greater than 11 psia under actual storage conditions must be controlled by:

(A) pressurized loading;

(B) a vapor control system which maintains a control efficiency of at least 90%; or

(C) a vapor balance system, as defined in §115.10 of this title.

(5) A marine loading operation which, under the 90% control option of this subsection, is not required to control vapors caused by loading VOC into a marine vessel is likewise not required to comply with §115.212(a)(6)(B) and (C) of this title.

~~{(b) For all 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 if emission reductions are demonstrated to be substantially equivalent.}~~

~~{(c) For all persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.}~~

§115.214. Inspection Requirements.

(a) The owner or operator of each volatile organic compound (VOC) transfer operation ~~[For all persons]~~ in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas ~~[;]~~ shall comply with the following inspection requirements ~~[shall apply]~~.

(1) Land-based VOC transfer.

(A) During each VOC transfer, the owner or operator of the transfer operation or of the transport vessel shall inspect ~~[Inspection]~~ for:

(i) visible liquid leaks; ~~[;]~~

(ii) visible fumes; and ~~[; or]~~

~~(iii) significant odors [resulting from land-based volatile organic compounds (VOCs) transfer operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation or the owner or operator of the transport vessel].~~

(B) ~~[(2)] [Land-based]~~ VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(C) ~~[(3)]~~ All tank-truck tanks loading or unloading VOC having a true vapor pressure greater than or equal to 0.5 pounds per square inch absolute under actual storage conditions shall have been leak tested within one year in accordance with the requirements of §§115.234-115.237 and 115.239 of this title (relating to Control of Volatile Organic Compound Leaks From Transport Vessels) as evidenced by prominently displayed certification affixed near the U.S. Department of Transportation certification plate.

(D) Subparagraphs (A) and (B) of this paragraph do not apply to fumes from hatches or vents if the fumes result from VOC transfer which is exempt from §115.211 or §115.212(a)(1) of this title (relating to Emission Specifications; and Control Requirements).

(2) Gasoline terminals - additional inspection. The owner or operator of each gasoline terminal 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, a hydrocarbon gas analyzer may be used for the detection of leaks, by meeting the 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 in Ozone Nonattainment Areas). 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.

(3) ~~[(4)]~~ Marine terminals. For marine terminals in the Houston/Galveston area, the following inspection requirements ~~[shall]~~ apply.

(A) Before loading a marine vessel with a VOC which has a vapor pressure equal to or greater than 0.5 pounds per square inch absolute under actual storage conditions, the owner or operator of the marine terminal shall verify that the marine vessel has passed an annual vapor tightness test as specified in §115.215(7) of this title (relating to Approved Test Methods). If no documentation of the annual vapor tightness test is available, one of the following methods may be substituted.

(i) VOC shall be loaded into the marine vessel with the vessel product tank at negative gauge pressure;

(ii) Leak testing shall be performed during loading using Test Method 21. The testing shall be conducted during the final 20% of loading of each product tank of the marine vessel and shall be applied to any potential sources of vapor leaks on the vessel; or

(iii) Documentation of leak testing conducted during the preceding 12 months as described in clause (ii) of this subparagraph shall be provided.

(B) ~~[(A)]~~ During each VOC transfer, the owner or operator of the marine terminal or of the marine vessel shall inspect ~~[Inspection]~~ for:

(i) visible liquid leaks; ~~;~~

(ii) visible fumes; and ~~;~~ ~~or~~

(iii) significant odors ~~[resulting from VOC transfer operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation or the owner or operator of the marine vessel].~~

(C) ~~[(B)]~~ If a liquid leak is detected during VOC transfer ~~[the loading operation]~~ and cannot be repaired immediately (for example, by tightening a bolt or packing gland), then the transfer operation shall cease until the leak is repaired.

(D) ~~[(C)]~~ If a vapor leak is detected by sight, sound, smell, or hydrocarbon gas analyzer during the VOC loading operation, then a "first attempt" shall be made to repair the leak. VOC ~~[Cargo]~~ loading operations need not be ceased if the first attempt to repair the leak, as defined in §101.1 ~~[by §115.10]~~ of this title (relating to Definitions), to less than 10,000 parts per million by volume (ppmv) or 20% of the lower explosive limit, is not successful provided that the first attempt effort is documented by the owner or operator of the marine vessel as soon as practicable and a copy of the repair log made available to a representative of the marine terminal ~~[loading facility]~~. No additional loadings shall be made into the cargo tank until a successful repair has been completed and ~~[certified by a]~~ an inspection conducted under 40 Code of Federal Regulations (CFR) 61.304(f) or 63.565(c) ~~[or equivalent inspection]~~.

(E) ~~[(D)]~~ The intentional bypassing of a vapor control device during marine loading operations is prohibited.

(F) ~~[(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 in Ozone Nonattainment Areas)]~~. For the purposes of this paragraph, shore-based equipment includes, but is not

limited to, all equipment such as loading arms, pumps, meters, shut-off valves, relief valves, and other piping and valves between the marine loading facility and the vapor control ~~[recovery]~~ system and between the marine loading facility and the associated land-based storage tanks, excluding working emissions from the storage tanks.

(G) Subparagraphs (B) and (D) of this paragraph do not apply to fumes from hatches or vents if the fumes result from VOC transfer which is exempt from §115.212(a)(6)(A) of this title.

~~[(5)]~~ 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) The owner or operator of each VOC transfer operation in the regional VOC zone shall comply with ~~[For all persons in Gregg, Nueces, and Victoria Counties,]~~ the following inspection requirements ~~[shall apply]~~.

(1) Land-based VOC transfer. At all VOC transfer operations in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties, and at gasoline terminals and gasoline bulk plants in the regional VOC zone:

(A) During each VOC transfer, the owner or operator of the transfer operation or of the transport vessel shall inspect ~~[Inspection]~~ for:

(i) visible liquid leaks; ~~;~~

(ii) visible fumes; and ~~;~~ ~~or~~

(iii) significant odors ~~[resulting from VOC transfer operations shall be conducted during each transfer by the owner or operator of the VOC loading and unloading operation or the owner or operator of the transport vessel].~~

(B) ~~[(2)]~~ VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(C) All gasoline tank-truck tanks shall have been leak tested within one year in accordance with the requirements of §§115.234-115.237 and 115.239 of this title as evidenced by prominently displayed certification affixed near the U.S. Department of Transportation certification plate.

(D) Subparagraphs (A) and (B) of this paragraph do not apply to fumes from hatches or vents if the fumes result from VOC transfer which is exempt from §115.211 or §115.212(b)(1) of this title.

(2) Gasoline terminals - additional inspection. The owner or operator of each gasoline terminal 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, a hydrocarbon gas analyzer may be used 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.

§115.215. Approved Test Methods.

(a) Compliance [For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance] with the emission specifications, vapor control system efficiency, and certain control requirements, inspection requirements, and exemption criteria of §§115.211-115.214 and 115.217 of this title (relating to Loading and Unloading of Volatile Organic Compounds) (VOC) [§115.211(a) and §115.212(a) of this title (relating to Emission Specifications and Control Requirements)] shall be determined by applying one or more of the following test methods and procedures, as appropriate. []

(1) Flow rate. Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) are used for determining flow rates, as necessary. []

(2) Concentration of VOC.

(A) Test Method 18 (40 CFR [Code of Federal Regulations] 60, Appendix A) is used for determining gaseous organic compound emissions by gas chromatography. []

(B) [(3)] Test Method 25 (40 CFR [Code of Federal Regulations] 60, Appendix A) is used for determining total gaseous nonmethane organic emissions as carbon. []

(C) [(4)] Test Methods 25A or 25B (40 CFR [Code of Federal Regulations] 60, Appendix A) are used for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis. []

(3) Performance requirements for flares. If a flare is used to control emissions from VOC transfer operations and the flare's emissions cannot be measured using the procedures of paragraphs (1) and (2) of this section, then the performance test requirements of 40 CFR 60.18(b) shall apply. Compliance with the requirements of 40 CFR 60.18(b) will be considered to demonstrate compliance with the emission specifications and control efficiency requirements of §115.211 and §115.212 of this title.

(4) Vapor pressure. Use standard reference texts or American Society for Testing and Materials (ASTM) Test Methods D323-89, D2879, D4953, D5190, or D5191 for the measurement of vapor pressure.

(5) Leak determination by instrument method. Use Test Method 21 (40 CFR 60, Appendix A) for determining VOC leaks.

(6) [(5)] Gasoline terminal test procedures. Use the additional test procedures described in 40 CFR [Code of Federal Regulations] 60.503 b, c, and d, for pre-test leak determination, emission specifications test for vapor control systems, and pressure limit in transport vessel, respectively. []

[(6) Test Method 21 (40 Code of Federal Regulations 60, Appendix A) for determining volatile organic compound leaks;]

[(7) determination of true vapor pressure using American Society for Testing and Materials (ASTM) Test Methods D323-89, D2879, D4953, D5190, or D5191 for the measurement of Reid vapor pressure;]

(7) [(8)] Vapor-tightness test procedures for marine vessels. Use 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. []

(8) [(9)] Flash point. Use ASTM Test Method D93 for the measurement of flash point. [; or]

(9) [(40)] Minor modifications. Minor [minor] modifications to these test methods may be used, if approved by the executive director.

(10) Alternate test methods. Test methods other than those specified in paragraphs (1)-(8) of this section (relating to Approved Test Methods) may be used if validated by 40 CFR 63, Appendix A, Test Method 301 (effective December 29, 1992). For the purposes of this paragraph, substitute "executive director" each place that Test Method 301 references "administrator."

[(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.211(b) of this title and §115.212(b) of this title shall be determined by applying the following test methods, as appropriate:]

[(1) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for determining flow rates, as necessary;]

[(2) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;]

[(3) Test Method 25 (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;]

[(4) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;]

[(5) additional test procedures described in 40 Code of Federal Regulations 60.503 b, c, and d;]

[(6) Test Method 21 (40 Code of Federal Regulations 60, Appendix A) for determining volatile organic compound leaks;]

[(7) determination of true vapor pressure using ASTM Test Methods D323-89, D2879, D4953, D5190, or D5191 for the measurement of Reid vapor pressure; or]

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

§115.216. Monitoring and Recordkeeping Requirements.

(a) The owner or operator of each [For] volatile organic compound (VOC) loading or unloading operation [operations] in the regional VOC zone or 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 information on how the design standard and operation of equipment meets the emission specifications and control requirements, and shall maintain the following information for at least two years at the plant, as defined by its air quality account number. The owner or operator [for at least two years and] shall make the [such] information available upon request to representatives of the executive director, EPA [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 air quality account number.]

(1) [(2)] Vapor control systems. For vapor control [recovery] systems used to control emissions from VOC transfer oper-

ations, records of appropriate parameters to demonstrate compliance, including:

(A) continuous monitoring and recording of:

(i) the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(ii) ~~[(B)] [continuous monitoring and recording of]~~ the inlet and outlet gas temperature of a chiller or catalytic incinerator;

(iii) ~~[(C)] [continuous monitoring and recording of]~~ the exhaust gas VOC concentration of a ~~[any]~~ carbon adsorption system, as defined in §101.1 ~~[[§115.10]~~ of this title (relating to Definitions); and

(iv) the exhaust gas temperature immediately downstream of a vapor combustor. Alternatively, the owner or operator of a vapor combustor may consider the unit to be a flare and meet the requirements of subparagraph (B) of this paragraph.

(B) the requirements specified in 40 Code of Federal Regulations 60.18(b) and Chapter 111 of this title (relating to Control of Air Pollution from Visible Emissions and Particulate Matter) for flares; and

(C) for vapor control systems other than those specified in subparagraphs (A) and (B) of this paragraph, records of appropriate operating parameters.

~~[(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.]~~

(2) Test results. A record of the results of any testing conducted in accordance with §115.215 of this title (relating to Approved Test Methods).

(3) Land-based VOC transfer to or from transport vessels.

(A) A daily record of:

(i) the identification number of each tank-truck tank;

(ii) the quantity of VOC loaded into each transport vessel; and

(iii) the date of the last leak testing of each tank-truck tank as required by §115.214(a)(1)(C) or (b)(1)(C) of this title (relating to Inspection Requirements).

(B) A record of the type and vapor pressure of each VOC transferred (excluding gasoline).

(C) The owner or operator of any plant, as defined by its air quality account number, at which all VOC transferred has a true vapor pressure at actual storage conditions less than 0.5 psia as specified in §115.217(a)(1) (relating to Exemptions) of this title or 1.5 psia as specified in §115.217(b)(1) of this title, is not required to keep the records specified in subparagraph (A) of this paragraph.

(D) The owner or operator of any plant, as defined by its air quality account number, that is exempt under §115.217(a)(2)(A) or (B), or §115.217(b)(3)(A) or (B) of this title based upon gallons per day transferred shall maintain a daily record of the total throughput of gasoline or of VOC equal to or greater than 0.5 or 1.5 psia vapor pressure, as appropriate, loaded into transport vessels at the plant.

(E) For gasoline terminals, records of the results of the fugitive monitoring and maintenance program required by §115.214(a)(2) and (b)(2) of this title:

(i) a description of the types, identification numbers, and locations of all equipment in gasoline service;

(ii) the date of each monthly inspection;

(iii) the results of each inspection;

(iv) the location, nature, severity, and method of detection for each leak;

(v) the date each leak is repaired and explanation if repair is delayed beyond 15 days;

(vi) a list identifying those leaking components which cannot be repaired or replaced until a scheduled unit shutdown; and

(vii) the inspector's name and signature.

~~[(3) For gasoline terminals:]~~

~~[(A) a comprehensive record of all tank-trucks loaded, including the identification number of the tank-truck and the date of the last leak testing required by §115.214(a)(3) of this title (relating to Inspection Requirements);]~~

~~[(B) a daily record of the identification number of all tank-trucks loaded at the affected terminal;]~~

~~[(C) a daily record of the number of transport vessels loaded at the terminal and the quantity of gasoline loaded to each transport vessel; and]~~

~~[(D) a record of the results of any testing conducted at the terminal in accordance with the provisions specified in §115.215(a) of this title (relating to Testing Requirements).]~~

~~[(4) For gasoline bulk plants:]~~

~~[(A) a comprehensive record of all tank-trucks loaded, including the identification number of the tank-truck and the date of the last leak testing required by §115.214(a)(3) of this title;]~~

~~[(B) a daily record of the identification number of all tank-trucks loaded at the affected bulk plant;]~~

~~[(C) a daily record of the number of transport vessels loaded at the bulk plant and the quantity of gasoline loaded to each transport vessel; and]~~

~~[(D) a record of the results of any testing conducted at the bulk plant in accordance with the provisions specified in §115.215(a) of this title.]~~

~~[(5) For VOC loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, a daily record of each transport vessel loaded or unloaded, including:]~~

~~[(A) the identification number of each tank-truck loaded or unloaded and the date of the last leak testing required by §115.214(a)(3) of this title;]~~

~~[(B) the volume of VOC loaded to or unloaded from each transport vessel; and]~~

~~[(C) the vapor pressure of the VOC loaded to or unloaded from each transport vessel.]~~

~~[(6) Marine terminals. For marine terminals in the Houston/Galveston area:~~

~~[(A) a daily record of all marine vessels loaded at the affected terminal, including:~~

(i) the name, registry of the marine vessel, and the legal owner or operator of the marine vessel;

(ii) the chemical name and amount of VOC cargo loaded; and

(iii) the conditions of the tanks prior to being loaded (i.e., cleaned, crude oil washed, gas freed, etc.) and the prior cargo carried by the marine vessel.

(B) [all marine vessel loading operations conducted with a VOC which has a vapor pressure equal to or greater than 0.5 pounds per square inch absolute under actual storage conditions must certify that the marine vessel has passed an annual vapor tightness test as required by §115.215(a)(8) of this title. A] a copy of each marine vessel's vapor tightness test documentation or records documenting compliance with the alternate methods specified in 115.214(a)(3)(A) of this title [certification shall be kept on file by the marine terminal for a minimum of two years].

(C) a copy of each marine vessel's first attempt repair log required by §115.214(a)(3)(D) [§115.214(a)(4)(C)] of this title [shall be maintained on file by the marine terminal for a minimum of two years].

(D) records of the results of the [required] fugitive monitoring and maintenance program required by §115.214(a)(3)(F) of this title, including appropriate dates, test methods, instrument readings, repair results, and corrective action taken. Records of flange inspections are not required unless a leak is detected.

{(7) For gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, records of the results of the required fugitive monitoring and maintenance program, as specified in §115.214(a)(5) of this title, shall be maintained at the plant site for two years, and shall include the following:}

{(A) a description of the types, identification numbers, and locations of all equipment in gasoline service;}

{(B) the date of each monthly inspection;}

{(C) the results of each inspection;}

{(D) the location, nature, severity, and method of detection for each leak;}

{(E) the date each leak is repaired and explanation if repair is delayed beyond 15 days;}

{(F) a list identifying those leaking components which cannot be repaired or replaced until a scheduled unit shutdown; and}

{(G) the inspector's name and signature.}

{(8) Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(a) of this title.}

{(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 air quality account number for at least two years and shall make such information available upon request to representatives of the executive director, 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 air quality account number.}

{(2) For vapor recovery systems:}

{(A) continuous monitoring and recording of the exhaust gas temperature immediately downstream of a direct-flame incinerator;}

{(B) continuous monitoring and recording of the inlet and outlet gas temperature of a chiller or catalytic incinerator;}

{(C) continuous monitoring and recording of the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.10 of this title; and}

{(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.}

{(3) For gasoline terminals:}

{(A) a daily record of the number of transport vessels loaded at the terminal and the quantity of gasoline loaded to each transport vessel; and}

{(B) a record of the results of any testing conducted at the terminal in accordance with the provisions specified in §115.215(b) of this title.}

{(4) Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(b) of this title.}

{(5) For VOC loading or unloading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, which are exempt under §115.217(b) of this title (relating to Exemptions), a daily record of each transport vessel loaded or unloaded, including:}

{(A) the volume of VOC loaded to or unloaded from each transport vessel; and}

{(B) the vapor pressure of the VOC loaded to or unloaded from each transport vessel.}

§115.217. Exemptions.

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

(1) Vapor pressure (at land-based operations). All land-based loading and unloading of volatile organic compounds (VOC) with a true vapor pressure less than 0.5 psia under actual storage conditions is exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

(A) §115.212(a)(2) [§115.212(a)] of this title (relating to Control Requirements);

(B) §115.214(a)(1)(A)(i) and (B) of this title (relating to Inspection Requirements);

(C) §115.215(4) of this title (relating to Approved Test Methods); and

(D) §115.216(2) and (3)(B) of this title (relating to Monitoring and Recordkeeping Requirements).

(2) Throughput.

(A) Any plant, as defined by its air quality account number, excluding gasoline bulk plants, which loads [having] less than 20,000 gallons [(75,708 liters)] of VOC [loaded] into transport vessels per day (averaged over each [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 this

division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (i) §115.212(a)(2) [§115.212(a)] of this title;
- (ii) §115.214(a)(1)(A)(i) and (B) of this title;
- (iii) §115.215(4) of this title; and
- (iv) §115.216(2), (3)(B), and (3)(D) of this title.

(B) Gasoline bulk plants which load less than 4,000 gallons of gasoline into transport vessels per day (averaged over each consecutive 30-day period) are exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (i) §115.212(a)(2) of this title;
- (ii) §115.214(a)(1)(A)(i) and (B) of this title; and
- (iii) §115.216(3)(D) of this title.

(3) Liquefied petroleum gas. 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 this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (A) §115.212(a)(2) [§115.212(a)] of this title;
- (B) §115.214(a)(1)(A)(i) and (B) of this title; and
- (C) §115.216(3) of this title.

(4) Motor vehicle fuel dispensing facilities. Motor vehicle fuel dispensing facilities, as defined in §101.1 of this title (relating to Definitions), are exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds).

[(4) 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.]

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

[(6) VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals are exempt from the control requirements of §115.212(a)(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 0.5 and 11 psia under actual storage conditions is at least 90%, and the following requirements are met:]

[(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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%. Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.]

[(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 to the executive director, the appropriate 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%. 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, the appropriate 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 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.]

(5) [(7) Marine vessels. The following marine vessel transfer exemptions apply. [loading operations are exempt from the requirements of §115.211(a) and §115.212(a) of this title:]

(A) The following marine vessel transfer operations are exempt from this division (relating to Loading and Unloading of Volatile Organic Compounds):

(i) all loading of marine vessels in ozone nonattainment areas other than the Houston/Galveston area; and

(ii) transfer of VOC from one marine vessel to another marine vessel ("lightering"), provided that the VOC transfer does not use loading arm(s), pump(s), meter(s), valve(s), or piping that are part of a marine terminal.

(B) The following marine vessel transfer operations are exempt from the requirements of §§115.212(a), 115.214(a), and 115.216 of this title, except as noted:

(i) all unloading of marine vessels, except for §115.214(a)(3)(B)-(C) and §115.216(2) of this title;

(ii) [(A)] marine terminals with uncontrolled marine loading VOC emissions less than 100 tons per year, except for §115.214(a)(3)(B)-(C) and §115.216(2) of this title. 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;

(iii) [(B)] all throughput of VOC with a vapor pressure less than 0.5 psia loaded into marine vessels, except for §§115.212(a)(6)(D), 115.214(a)(3)(B)-(C), and 115.216(2) of this title; and

[(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 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;]

[(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]

(iv) [(E)] all throughput of VOC with a flash point of 150 degrees Fahrenheit or greater loaded into marine vessels, except for §§115.212(a)(6)(D), 115.214(a)(3)(B)-(C), and 115.216(2) of this title.

[(8) Marine terminals are exempt from the control requirements of §115.211(a)(3) and §115.212(a)(8)(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) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a marine terminal for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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%. Any control plan submitted after December 31, 1996 must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each marine loading facility and any associated control device at the marine terminal, the control plan 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.]

[(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 to the executive director, the appropriate 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%. 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 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.]

[(9) Motor vehicle fuel dispensing facilities, as defined in §115.10 of this title (relating to Definitions), are exempt from the requirements of this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds).]

(b) [For all persons, in Gregg, Nueces, and Victoria Counties, the] The following exemptions apply in the regional VOC zone.

(1) General VOCs (non-gasoline). Except in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties, all loading and unloading of VOC other than gasoline is exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds).

(2) [(4)] Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 1.5 psia [(10.3 kPa)] under actual storage conditions is exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

(A) §115.212(b)(2) [§115.212(b)] of this title;

(B) §115.214(b)(1)(A)(i) and (B) of this title;

(C) §115.215(4) of this title; and

(D) §115.216(2) and (3)(B) of this title.

(3) [(2)] Throughput.

(A) Any plant, as defined by its air quality account number, excluding gasoline bulk plants, which loads [having] less than 20,000 gallons [(75,708 liters)] of VOC [loaded] into transport vessels per day (averaged over each [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 this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (i) §115.212(b)(2) [§115.212(b)] of this title;
- (ii) §115.214(b)(1)(A)(i) and (B) of this title;
- (iii) §115.215(4) of this title; and
- (iv) §115.216(2), (3)(B), and (3)(D) of this title.

(B) Gasoline bulk plants which load less than 4,000 gallons of gasoline into transport vessels per day (averaged over each consecutive 30-day period) are exempt from the requirements of this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (i) §115.212(b)(2) of this title;
- (ii) §115.214(b)(1)(A)(i) and (B) of this title; and
- (iii) §115.216(3)(D) of this title.

(4) [(3)] Crude oil, condensate, and liquefied petroleum gas. All loading and unloading of crude oil, [and] condensate, [all loading and unloading of] marine vessels, and [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 this division (relating to Loading and Unloading of Volatile Organic Compounds), except for:

- (A) §115.212(b)(2) [§115.212(b)] of this title;
- (B) §115.214(b)(1)(A)(i) and (B) of this title; and
- (C) §115.216(3) of this title.

[(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)] To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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%. Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of

the recordkeeping procedure and calculations which will be used to demonstrate compliance.}]

[(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 to the executive director, the appropriate 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%. 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, the appropriate 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 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.}]

(5) Motor vehicle fuel dispensing facilities. Motor vehicle fuel dispensing facilities, as defined in §101.1 [§115.10] of this title [(relating to Definitions)], are exempt from the requirements of this division [undesigned head] (relating to Loading and Unloading of Volatile Organic Compounds).

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

[(1)] All loading and unloading of VOC with a true vapor pressure less than 1.5 psia (10.3 kPa) under actual storage conditions is exempt from the requirements of §115.212(e) of this title.}]

[(2)] Any plant, as defined by its 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(e) of this title.}]

[(3)] All loading and unloading of crude oil and condensate, all loading and unloading of marine vessels, and 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) are exempt from the requirements of §115.212(c) of this title.]

[(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) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate 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%. Any control plan submitted after December 31, 1996 must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan 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, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.]

[(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 to the executive director, the appropriate 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%. 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, the appropriate 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 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, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after 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 most recent emissions inventory.]

[(5) Motor vehicle fuel dispensing facilities, as defined in §115.10 of this title (relating to Definitions), are exempt from the requirements of this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds).]

§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); §115.212(a)(1) and (2); and §115.217(a)(1) and (2) of this title (relating to Emission Specifications; Control Requirements; and Exemptions) as soon as practicable, but no later than November 15, 1996.]

[(2) All land-based loading and unloading of crude oil and condensate to and from transport vessels, as defined in §115.10 of this title (relating to Definitions), shall be in compliance with §115.211(a), §115.212(a), §115.213(a), §115.214(a), §115.215(a), §115.216(a), and §115.217(a) of this title (relating to Emission Specifications; Control Requirements; Alternate Control Requirements; Inspection Requirements; Monitoring and Recordkeeping Requirements; Approved Test Methods; and Exemptions) as soon as practicable, but no later than November 15, 1996.]

[(3) All affected marine terminals in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.211(a), §115.212(a), §115.213(a), §115.214(a), §115.215(a), §115.216(a), and §115.217(a) of this title as soon as practicable, but no later than November 15, 1996.]

[(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)(9), §115.214(a)(5), and §115.216(a)(7) of this title as soon as practicable, but no later than November 15, 1996.]

(a) The owner or operator of each volatile organic compound (VOC) transfer operation in Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties shall continue to comply with this division (relating to Loading and Unloading of Volatile Organic Compounds) as required by §115.930 of this title (relating to Compliance Dates).

(b) The owner or operator of each gasoline bulk plant in the regional VOC zone as defined in §115.10 of this title (relating to Definitions) shall comply with §§115.211(2), 115.212(b), 115.214(b), 115.216, and 115.217(b) of this title (relating to Emission Specifications; Control Requirements; Inspection Requirements; Monitoring and Recordkeeping Requirements; and Exemptions) of this title as soon as practicable, but no later than December 31, 1999.

(c) The owner or operator of each gasoline terminal in the regional VOC zone, as defined in §115.10 of this title (excluding Gregg, Nueces, and Victoria Counties) shall comply with §§115.211(1)(B), 115.212(b), 115.214(b), 115.216, and 115.217(b) of this title as soon as practicable, but no later than December 31, 1999.

(d) The owner or operator of each gasoline terminal in Gregg, Nueces, and Victoria Counties shall:

(1) continue to comply with the vapor control requirements specified in §115.212(b)(4)(A) and (B) of this title; and

(2) be in compliance with the following specifications as soon as practicable, but no later than December 31, 1999:

(A) the 20 mg/liter emission specification of §115.211(1)(B) of this title;

(B) the loading lockout requirements of §115.212(b)(4)(C) of this title;

(C) the gasoline tank-truck leak testing requirements of §115.214(b)(1)(C) of this title; and

(D) the monthly leak inspection requirements of §115.214(b)(2) of this title.

(e) The owner or operator of each gasoline terminal in Hardin, Jefferson, and Orange Counties shall comply with the loading lockout requirements of §115.212(a)(4)(C) of this title and the monthly leak inspection requirements of §115.214(a)(2) and §115.216(3)(E) of this title as soon as practicable, but no later than December 31, 1999.

(f) The owner or operator of each land-based VOC loading operation (excluding gasoline terminals and gasoline bulk plants) in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties shall comply with the 90% control efficiency requirement of §115.212(b)(1)(A) of this title as soon as practicable, but no later than December 31, 1999.

(g) The owner or operator of each land-based VOC loading operation (excluding gasoline terminals and gasoline bulk plants) in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties shall comply with the recordkeeping requirements of §115.216 of this title as soon as practicable, but no later than December 31, 1999.

(h) [(5)] The owner or operator of each [AH affected] marine terminal [terminals] in Hardin, Jefferson, and Orange Counties shall comply [be in compliance] with §§115.212(a)(6), 115.214(a)(3), 115.215, 115.216, and 115.217 [§§115.214(a), 115.212(a), 115.213(a), 115.214(a), 115.215(a), 115.216(a), and 115.217(a)] of this title [(relating to Emission Specifications; Control Requirements; Alternate Control Requirements; Inspection Requirements; Approved Test Methods; Monitoring and Recordkeeping Requirements; and Exemptions)] as soon as practicable but no later than three years after the earliest of the following occurs:

(1) [(A)] 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 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);

(2) [(B)] the EPA [United States Environmental Protection Agency (EPA)] publishes notification in the *Federal Register* of its determination to deny the petition to redesignate the Beaumont/

Port Arthur ozone nonattainment area as an ozone attainment area; or

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

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.

Filed with the Office of the Secretary of State on December 18, 1998.

TRD-9818439

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: May 26, 1999

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

◆ ◆ ◆
Division 2. Filing of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

30 TAC §§115.221–115.227, 115.229

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 Texas Natural Resource Conservation Commission (commission) with the authority to adopt rules consistent with the policy and purposes of the TCAA; and TCAA §382.012, which requires the commission to develop plans for protection of the state's air.

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 or in the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), shall transfer, or allow the transfer of, gasoline from any tank-truck tank 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) a vapor control [recovery] system which reduces the emissions of VOC [volatile organic compounds (VOC)] to the atmosphere to not more than 0.8 pound per 1,000 gallons (93 mg/liter) of gasoline transferred; or

(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] 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) the container is equipped with a submerged fill pipe as defined in §101.1 [§115.10] of this title (relating to Definitions). The path through the submerged fill pipe to the bottom of the tank shall not be obstructed by a screen, grate, or similar device whose presence would preclude the determination of the submerged fill

pipe's proximity to the tank bottom while the submerged fill tube is properly installed;

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

~~[(5) until the installation of a Stage II vapor recovery system as required by §§115.241- 115.249 of this title (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities), the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped either with an orifice no greater than 3/4 inch (1.9 cm) internal diameter or a pressure-vacuum relief valve set to open at a pressure of no less than eight ounces per square inch (3.4 kPa);]~~

~~(5) [(6)] In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [after the installation of a Stage II vapor recovery system as required by §§115.241-115.249 of this title], the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch (3.4 kPa) or in accordance with the facility's Stage II system as defined in the California Air Resources Board (CARB) Executive Order(s) for the facility;~~

~~(6) In the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch (3.4 kPa);~~

~~(7) after unloading, the tank-truck tank is kept vapor-tight [at all times] until the [captured] vapors in the tank-truck are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation. [discharged to a vapor recovery system, if the tank-truck tank 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. The requirement to discharge the vapors remaining in the tank-truck tank after unloading to a vapor recovery system does not apply if the tank-truck tank is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.]~~

~~(8) the gauge pressure in the tank-truck tank does not exceed 18 inches of water (4.5 kPa) or vacuum exceed six inches of water (1.5 kPa);~~

~~(9) no leak, as defined in §101.1 [§115.10] of this title, exists from potential leak sources when measured with a combustible gas detector;~~

~~(10) in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any storage tank installed after November 15, 1993 which is required to install Stage I control equipment shall be equipped with a non-coaxial Stage I connection. In addition, any modification to a storage tank existing prior to November 15, 1993 requiring excavation of the top of the storage tank shall be equipped with a non-coaxial Stage I connection, even if the original installation utilized coaxial Stage I connections. At any facility for which a Stage II system was installed prior to November 15, 1993, the Stage I system utilized must be consistent with the relevant requirements of the CARB Executive Order for the Stage II system installed at that facility; [and]~~

~~(11) in the regional VOC zone, any storage tank installed after December 22, 1998 which is required to install Stage I control equipment shall be equipped with a non-coaxial Stage I connection.~~

In addition, any modification to a storage tank existing prior to December 22, 1998 requiring excavation of the top of the storage tank shall be equipped with a non-coaxial Stage I connection, even if the original installation utilized coaxial Stage I connections; and

~~(12) [(14)] any motor vehicle fuel dispensing facility that becomes subject to the provisions of paragraphs (1)-(11) [(1)-(10)] of this section by exceeding the throughput limits of §115.227 of this title (relating to Exemptions) shall have 120 days to come into compliance and will remain subject to the provisions of this subsection, even if its gasoline throughput later falls below exemption limits. However, if gasoline throughput exceeds the exemption limit due to a natural disaster or emergency condition for a period not to exceed one month, upon written request, the executive director may grant a facility continued exempt status.~~

§115.223. Alternate Control Requirements.

~~[For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas,] Alternate [alternate] methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division [undesignated head] (relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) 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.~~

§115.224. Inspection Requirements.

~~In [For all affected persons in] the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), the following inspection requirements shall apply.~~

~~(1) (No change.)~~

~~(2) The gasoline tank-truck tank must have been inspected for leaks within one year in accordance with the requirements of §§115.234-115.236 and 115.239 of this title (relating to Control of Volatile Organic Compound Leaks from Transport Vessels [Gasoline Tank Trucks]), as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate.~~

§115.225. Testing Requirements.

~~[For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance] Compliance with §115.221 [of this title (relating to Emission Specifications)] or §115.222 of this title (relating to Emission Specifications; and Control Requirements) shall be determined by applying the following test methods, as appropriate:~~

~~(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rate, as necessary;~~

~~(2) Test Method 18 (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;~~

~~(3) Test Method 25 (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;~~

~~(4) Test Method 25A or 25B (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;~~

~~(5) Test Method 21 (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining volatile organic compound leaks; or~~

(6) (No change.)

§115.226. Recordkeeping Requirements.

~~[For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas; the] The owner or operator of each [any] motor vehicle fuel dispensing facility in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in the regional VOC zone as defined in §115.10 of this title (relating to Definitions) [subject to the control requirements of this section] shall:~~

(1) (No change.)

(2) maintain for a period of two years:

(A) a record of the results of any testing conducted at the motor vehicle fuel dispensing facility in accordance with the provisions specified in §115.225 of this title (relating to Testing Requirements); ~~[and]~~

(B) ~~in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas,~~ a record of gasoline throughput for each calendar month since January 1, 1991 until such time as the facility installs a Stage II vapor recovery system as required by §§115.241-115.249 of this title (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities ~~[Vapor Recovery]~~); and

(C) ~~in the regional VOC zone,~~ a record of gasoline throughput for each calendar month beginning January 1, 1999, until the facility is in compliance with §115.221 and §115.222 of this title (relating to Emission Specifications; and Control Requirements). The records must contain the calendar month and year, and the total ~~facility gasoline throughput for each calendar month. These records must be made available at the site during inspection by representatives of the executive director, EPA, or any local air pollution control program with jurisdiction.~~

§115.227. Exemptions.

~~The following exemptions apply [For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas; the following exemptions shall apply]:~~

(1) ~~In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, stationary [Stationary] gasoline storage containers with a nominal capacity less than or equal to 1,000 gallons [(3,785 liters)], at motor vehicle fuel dispensing facilities for which construction began prior to November 15, 1992, are exempt from §§115.221, 115.222, and 115.226(2) [§115.224] of this title (relating to Emission Specifications; Control Requirements; and Recordkeeping Requirements) [and §115.222 of this title (relating to Control Requirements)].~~

(2) ~~In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, transfers [Transfers] to stationary storage tanks located at a motor vehicle fuel dispensing facility which has dispensed no more than 10,000 gallons of gasoline in any calendar month after January 1, 1991, and for which construction began prior to November 15, 1992, are exempt from §115.221 [of this title] and §115.222 of this title.~~

(3) ~~In the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), stationary gasoline storage containers with a nominal capacity less than or equal to 1,000 gallons at motor vehicle fuel dispensing facilities are exempt from §§115.221, 115.222, and 115.226(2) of this title.~~

(4) ~~In the regional VOC zone, transfers to stationary storage tanks located at a motor vehicle fuel dispensing facility which has dispensed less than 125,000 gallons of gasoline in any calendar~~

~~month after January 1, 1999 are exempt from §115.221 and §115.222 of this title.~~

(5) ~~[(3)] Transfers to the following stationary receiving containers are exempt from the requirements of this division [undesignated head] (relating to [Stage I] Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) :~~

(A) containers used exclusively for the fueling of implements of agriculture; and

(B) storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.

§115.229. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall comply ~~[be in compliance]~~ with this division [undesignated head] (relating to [Stage I] Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) as soon as practicable, but no later than the installation of a Stage II vapor recovery system as required by §§115.241- 115.249 of this title (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) or January 31, 1994, whichever occurs first.

(b) The owner or operator of each motor vehicle fuel dispensing facility ~~[All affected facilities]~~ in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties which has ~~[have]~~ dispensed more than 10,000 gallons of gasoline in any calendar month after January 1, 1991, but less than 120,000 gallons of gasoline per year, and for which construction began prior to November 15, 1992 shall comply ~~[be in compliance]~~ with this division [undesignated head] (relating to [Stage I] Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) as soon as practicable, but no later than the installation of a Stage II vapor recovery system as required by §§115.241-115.249 of this title or January 31, 1994, whichever occurs first.

(c) The owner or operator of each motor vehicle fuel dispensing facility ~~[All facilities]~~ in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties affected by §115.222(1) of this title (relating to Control Requirements), regarding the prohibition of any obstruction in the submerged fill pipe, shall comply ~~[be in compliance]~~ with the prohibition on submerged fill pipe obstructions as soon as practicable, but no later than:

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

(d) The owner or operator of each motor vehicle fuel dispensing facility in the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), which dispenses 125,000 gallons of gasoline or more in any calendar month after January 1, 1999 shall comply with this division (relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) as soon as practicable, but no later than December 31, 1999.

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.

Filed with the Office of the Secretary of State, on December 18, 1998.

TRD-9818438
Margaret Hoffman
Director, Environmental Law Division

◆ ◆ ◆
Division 3. Control of Volatile Organic Compound Leaks from Transport Vessels

30 TAC §§115.234-115.237, 115.239

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 Texas Natural Resource Conservation Commission (commission) with the authority to adopt rules consistent with the policy and purposes of the TCAA; and TCAA §382.012, which requires the commission to develop plans for protection of the state's air.

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

§115.234. *Inspection Requirements.*

(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), shall allow a tank-truck tank to be filled with or emptied of volatile organic compounds (VOC) having a true vapor pressure greater than or equal to 0.5 pounds per square inch absolute under actual storage conditions at any facility affected by the division [§§115.211-115.217 and 115.219 of this title] (relating to Loading and Unloading of Volatile Organic Compounds), the division [§§115.221-115.227 and 115.229 of this title] (relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities), or the division [§§115.241-115.249 of this title] (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) unless the tank being filled or emptied has passed a leak-tight test within the past year as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate which:

(1) shows the date the tank-truck tank last passed the leak-tight test required by §115.235 of this title (relating to Approved Test Methods [~~Testing Requirements~~]); and

(2) shows the identification number of the tank-truck tank.

(b) No person in the regional VOC zone, as defined in §115.10 of this title, shall allow a gasoline tank-truck tank to be filled or emptied at any facility affected by the division relating to Loading and Unloading of Volatile Organic Compounds, or the division relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities, unless the tank being filled or emptied has passed a leak-tight test within the past year as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate which:

(1) shows the date the gasoline tank-truck tank last passed the leak-tight test required by §115.235 of this title; and

(2) shows the identification number of the tank-truck tank.

§115.235. *Approved Test Methods.*

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

(1) The owner or operator of any tank-truck which loads or unloads at any gasoline terminal, gasoline bulk plant, motor vehicle fuel dispensing facility, or other volatile organic compound (VOC)

loading or unloading facility shall cause each such tank to be tested annually to ensure that the tank is vapor-tight.

(2) Any tank failing to meet the testing criteria of paragraph (1) of this subsection [~~section~~] shall be repaired and retested within 15 days.

(3) Testing required in paragraph (1) of this subsection [~~section~~] shall be conducted in accordance with the following test methods, as appropriate:

(A) Test Method 27 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining vapor-tightness of gasoline delivery tank using pressure-vacuum test such that the pressure in the tank must change no more than three inches of water (0.75 kPa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kPa) and when evacuated to a vacuum of six inches of water (1.5 kPa); or

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

(4) For tank-truck tanks not required to be equipped with vapor collection equipment (e.g., pressure tanks) [Where applicable], the leakage test method [methods] described in 49 CFR [Code of Federal Regulations] 180.407(h) [480.407] for [test and inspection of] specification cargo tanks is an [are] acceptable alternative [alternatives] to Test Method 27 (40 CFR 60, Appendix A) [the test methods described in paragraph (3) of this section].

(b) In the regional VOC zone, the following testing requirements shall apply:

(1) The owner or operator of any tank-truck which loads or unloads at any gasoline terminal, gasoline bulk plant, or motor vehicle fuel dispensing facility shall cause each such tank to be tested annually to ensure that the tank is vapor-tight.

(2) Any tank failing to meet the testing criteria of paragraph (1) of this subsection shall be repaired and retested within 15 days.

(3) Testing required in paragraph (1) of this subsection shall be conducted in accordance with the following test methods, as appropriate:

(A) Test Method 27 (40 CFR 60, Appendix A) for determining vapor tightness of gasoline delivery tank using pressure-vacuum test such that the pressure in the tank must change no more than three inches of water (0.75 kPa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kPa) and when evacuated to a vacuum of six inches of water (1.5 kPa); or

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

§115.236. *Recordkeeping Requirements.*

[~~For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the~~] The following recordkeeping requirements shall apply:

(1) The owner or operator of each tank-truck subject to this division [~~undesignated head~~] (relating to Control of Volatile Organic Compound Leaks from Transport Vessels) shall maintain records of all certification testing and repairs. The records must be maintained for at least two years after the date the testing or repair was completed.

(2) The record of each Test Method 27 certification test required by paragraph (1) of this section shall, at a minimum, contain:

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

(3) Records of each leakage test conducted under §115.235(a)(4) of this title (relating to Approved Test Methods) shall be maintained as specified in 49 Code of Federal Regulations 180.417.

(4) ~~[(3)]~~ Copies of all records required by this section shall be made available for review upon request by representatives of the executive director, EPA, [personnel of the Texas Air Control Board, United States Environmental Protection Agency,] or any local air pollution control agency with jurisdiction.

§115.237. Exemptions.

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

(1) Any tank-truck tank which is used exclusively to transport volatile organic compounds (VOC) with a true vapor pressure less than 0.5 pounds per square inch absolute under actual storage conditions is exempt from the requirements of this division [undesignated head] (relating to Control of Volatile Organic Compound Leaks From Transport Vessels).

~~[(2) Until May 31, 1995, any tank-truck tank which is used exclusively to transport VOC other than gasoline is exempt from the requirements of this undesignated head (relating to Control of Volatile Organic Compound Leaks From Transport Vessels).]~~

(2) ~~[(3)]~~ Transport vessels other than tank-trucks are exempt from the requirements of this division [undesignated head] (relating to Control of Volatile Organic Compound Leaks From Transport Vessels).

(b) In the regional VOC zone, transport vessels other than tank-trucks are exempt from the requirements of this division (relating to Control of Volatile Organic Compound Leaks From Transport Vessels).

§115.239. Counties and Compliance Schedules.

(a) The owner or operator of each tank-truck tank in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall continue to comply with §§115.234, 115.235, 115.236, and 115.237 of this title (relating to Inspection Requirements, Approved Test Methods, Recordkeeping Requirements, and Exemptions) as required by §115.930 of this title (relating to Compliance Dates).

(b) The owner or operator of each gasoline tank-truck tank in the regional VOC zone, as defined in §115.10 of this title (relating to Definitions), shall comply with §§115.234, 115.235, 115.236, and 115.237 of this title as soon as practicable, but no later than December 31, 1999.

~~[(a) All affected gasoline tank-trucks in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §§115.234, 115.235, 115.236, and 115.237 of this title (relating to Inspection Requirements, Approved Test Methods, Recordkeeping Requirements, and Exemptions) as soon as practicable, but no later than January 31, 1994.]~~

~~[(b) All affected tank-trucks which are used to transport volatile organic compounds other than gasoline in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §§115.234, 115.235, 115.236,~~

~~and 115.237 of this title as soon as practicable, but no later than May 31, 1995.]~~

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.

Filed with the Office of the Secretary of State, on December 18, 1998.

TRD-9818437

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Proposed date of adoption: May 26, 1999

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



Chapter 305. Consolidated Permits

Subchapter C. Application for Permit

30 TAC §305.46

(Editor's note: The text of the following section proposed for repeal will not be published. The section 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.)

The Texas Natural Resource Conservation Commission (commission) proposes the repeal of §305.46, concerning Designation of Material as Confidential. The repeal is necessary to remove requirements that are duplicated in the commission's general procedural rules, and this action is part of the commission's continuing effort to consolidate its procedural rules.

In addition to this action, the commission is proposing a conforming change in 30 TAC §312.11 in this edition of the *Texas Register*.

EXPLANATION OF PROPOSED RULES

The proposed repeal of §305.46 would remove requirements that duplicate those in 30 TAC §1.5(d), concerning Records of the Agency. This action is part of the commission's ongoing effort to reorganize, clarify, and consolidate its procedural rules. By consolidating these rules, the commission hopes to eliminate any conflicting procedural requirements and unwarranted non-statutory differences within its rules.

FISCAL NOTE

Jeff Grymkoski, Director of the Strategic Planning and Appropriations Division, has determined that for the first five-year period the section is in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the section.

PUBLIC BENEFIT

Mr. Grymkoski has also determined that for the first five years the rule is in effect, the anticipated public benefit will be the elimination of unnecessary and duplicate rules. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

SMALL BUSINESS ANALYSIS

There are no anticipated costs for small businesses to comply with this proposed rulemaking. The primary purpose of this

Figure: 30 TAC Chapter 115 preamble

Gasoline Throughput (Gallons/Month)	Number of Gas Stations	% of Total Stations	Number of Tanks	Average Annualized Total Cost (\$1000)	VOC Reductions (Tons/Year)	% of Total VOC Reductions	Average Cost Effectiveness (\$/Ton of VOC Reduced)
<10,000	1607	18.6	3942	0	0	0	0
≥10,000 AND <25,000	2436	28.3	5976	1957 ¹	1210 ¹	11.8 ¹	1614 ¹
≥25,000 AND <50,000	2287	26.5	5610	1840 ¹	2480 ¹	24.1 ¹	742 ¹
≥50,000 AND <125,000	1599	18.6	3922	1280 ¹	3510 ¹	34.1 ¹	366 ¹
≥125,000	691	8.0	1693	550	3090	30.0	179
TOTAL (≥10,000)	7013	81.4	17,201	5630	10,290	100	548
TOTAL (ALL SIZES)	8620	100	21,143	-----	-----	-----	-----

¹If Stage I were implemented for gas stations between 10,000 and 125,000 gallons per month. Included for comparison purposes only.

TABLE I.
SYNTHETIC ORGANIC CHEMICALS

OCPDB No.*	Chemical	OCPDB No.*	Chemical
20	Acetal	390	Benzenedisulfonic acid
30	Acetaldehyde	400	Benzenesulfonic acid
40	Acetaldol	410	Benzil
50	Acetamide	420	Benzilic acid
65	Acetanilide	430	Benzoic acid
70	Acetic acid	440	Benzoin
80	Acetic anhydride	450	Benzonitrile
90	Acetone	460	Benzophenone
100	Acetone cyanohydrin	480	Benzotrichloride
110	Acetonitrile	490	Benzoyl chloride
120	Acetophenone	500	Benzyl alcohol
125	Acetyl chloride	510	Benzyl amine
130	Acetylene	520	Benzyl benzoate
140	Acrolein	530	Benzyl chloride
150	Acrylamide	540	Benzyl dichloride
160	Acrylic acid and esters	550	Biphenyl
170	Acrylonitrile	560	Bisphenol A
180	Adipic acid	570	Bromobenzene
185	Adiponitrile	580	Bromonaphthalene
190	Alkyl naphthalenes	590	Butadiene
200	Allyl alcohol	592	1-butene
210	Allyl chloride	600	n-butyl acetate
220	Aminobenzoic acid	630	n-butyl acrylate
230	Aminoethylethanolamine	640	n-butyl alcohol
235	p-Aminophenol	650	s-butyl alcohol
240	Amyl acetates	660	t-butyl alcohol
250	Amyl alcohols	670	n-butylamine
260	Amyl amine	680	s-butylamine
270	Amyl chloride	690	t-butylamine
280	Amyl mercaptans	700	p-tert-butyl benzoic acid
290	Amyl phenol	710	1,3-butylene glycol
300	Aniline	750	n-butyraldehyde
310	Aniline hydrochloride	760	Butyric acid
320	Anisidine	770	Butyric anhydride
330	Anisole	780	Butyronitrile
340	Anthranilic acid	785	Caprolactam
350	Anthraquinone	790	Carbon disulfide
360	Benzaldehyde	800	Carbon tetrabromide
370	Benzamide	810	Carbon tetrachloride
380	Benzene	820	Cellulose acetate

TABLE I.
SYNTHETIC ORGANIC CHEMICALS

OCPDB No.*	Chemical	OCPDB No.*	Chemical
840	Chloroacetic acid	1190	Diacetone alcohol
850	m-chloroaniline	1200	Diaminobenzoic acid
860	o-chloroaniline	1210	Dichloroaniline
870	p-chloroaniline	1215	m-dichlorobenzene
880	Chlorobenzaldehyde	1216	o-dichlorobenzene
890	Chlorobenzene	1220	p-dichlorobenzene
900	Chlorobenzoic acid	1221	Dichlorodifluoromethane
905	Chlorobenzotrichloride	1240	Dichloroethyl ether
910	Chlorobenzoyl chloride	1244	1,2-dichloroethane (EDC)
920	Chlorodifluoroethane	1250	Dichlorohydrin
921	Chlorodifluoromethane	1270	Dichloropropene
930	Chloroform	1280	Dicyclohexylamine
940	Chloronaphthalene	1290	Diethylamine
950	o-chloronitrobenzene	1300	Diethylene glycol
951	p-chloronitrobenzene	1304	Diethylene glycol diethyl ether
960	Chlorophenols	1305	Diethylene glycol dimethyl ether
964	Chloroprene	1310	Diethylene glycol monobutyl ether
965	Chlorosulfonic acid	1320	Diethylene glycol monobutyl ether acetate
970	m-chlorotoluene		Diethylene glycol monoethyl ether
980	o-chlorotoluene	1330	Diethylene glycol monoethyl ether
990	p-chlorotoluene	1340	Diethylene glycol monoethyl ether acetate
992	Chlorotrifluoromethane		Diethylene glycol monomethyl ether
1000	m-cresol	1360	Diethyl sulfate
1010	o-cresol		Difluoroethane
1020	p-cresol	1420	Diisobutylene
1021	Mixed cresols	1430	Diisodecyl phthalate
1030	Cresylic acid	1440	Diisooctyl phthalate
1040	Crotonaldehyde	1442	Dikethene
1050	Crotonic acid	1444	Dimethylamine
1060	Cumene	1450	N,N-dimethylaniline
1070	Cumene hydroperoxide	1460	N,N-dimethyl ether
1080	Cyanoacetic acid	1470	N,N-dimethylformamide
1090	Cyanogen chloride	1480	Dimethylhydrazine
1100	Cyanuric acid	1490	Dimethyl sulfate
1110	Cyanuric chloride	1495	Dimethyl sulfide
1120	Cyclohexane	1500	Dimethyl sulfoxide
1130	Cyclohexanol	1510	Dimethyl terephthalate
1140	Cyclohexanone	1520	3,5-dinitrobenzoic acid
1150	Cyclohexene	1530	Dinitrophenol
1160	Cyclohexylamine	1540	Dinitrotoluene
1170	Cyclooctadiene	1545	
1180	Decanol	1550	

TABLE I.
SYNTHETIC ORGANIC CHEMICALS

OCPDB No.*	Chemical	OCPDB No.*	Chemical
1560	Dioxane	1990	Ethyl ether
1570	Dioxolane	2000	2-ethylhexanol
1580	Diphenylamine	2010	Ethyl orthoformate
1590	Diphenyl oxide	2020	Ethyl oxalate
1600	Diphenyl thiourea	2030	Ethyl sodium oxalacetate
1610	Dipropylene glycol	2040	Formaldehyde
1620	Dodecene	2050	Formamide
1630	Dodecylaniline	2060	Formic acid
1640	Dodecylphenol	2070	Fumaric acid
1650	Epichlorohydrin	2073	Furfural
1660	Ethanol	2090	Glycerol (Synthetic)
1661	Ethanolamines	2091	Glycerol dichlorohydrin
1670	Ethyl acetate	2100	Glycerol triether
1680	Ethyl acetoacetate	2110	Glycine
1690	Ethyl acrylate	2120	Glyoxal
1700	Ethylamine	2145	Hexachlorobenzene
1710	Ethylbenzene	2150	Hexachloroethane
1720	Ethyl bromide	2160	Hexadecyl alcohol
1730	Ethylcellulose	2165	Hexamethylenediamine
1740	Ethyl chloride	2170	Hexamethylene glycol
1750	Ethyl chloroacetate	2180	Hexamethylenetetramine
1760	Ethylcyanoacetate	2190	Hydrogen cyanide
1770	Ethylene	2200	Hydroquinone
1780	Ethylene carbonate	2210	p-hydroxybenzoic acid
1790	Ethylene chlorohydrin	2240	Isoamylene
1800	Ethylenediamine	2250	Isobutanol
1810	Ethylene dibromide	2260	Isobutyl acetate
1830	Ethylene glycol	2261	Isobutylene
1840	Ethylene glycol diacetate	2270	Isobutyraldehyde
1870	Ethylene glycol dimethyl ether	2280	Isobutyric acid
1890	Ethylene glycol monobutyl ether	2300	Isodecanol
1900	Ethylene glycol monobutyl ether acetate	2320	Isooctyl alcohol
1910	Ethylene glycol monoethyl ether	2321	Isopentane
1920	Ethylene glycol monoethyl ether acetate	2330	Isophorone
1930	Ethylene glycol monomethyl ether	2340	Isophthalic acid
1940	Ethylene glycol monomethyl ether acetate	2350	Isoprene
1960	Ethylene glycol monophenyl ether	2360	Isopropanol
1970	Ethylene glycol monopropyl ether	2370	Isopropyl acetate
1980	Ethylene oxide	2380	Isopropylamine
		2390	Isopropyl chloride
		2400	Isopropylphenol
		2410	Ketene

TABLE I.
SYNTHETIC ORGANIC CHEMICALS

OCPDB No.*	Chemical	OCPDB No.*	Chemical
2414	Linear alkyl sulfonate	2791	Nitromethane
2417	Linear alkylbenzene	2792	Nitrophenol
2420	Maleic acid	2795	Nitropropane
2430	Maleic anhydride	2800	Nitrotoluene
2440	Malic acid	2810	Nonene
2450	Mesityl oxide	2820	Nonyl phenol
2455	Metanilic acid	2830	Octyl phenol
2460	Methacrylic acid	2840	Paraldehyde
2490	Methallyl chloride	2850	Pentaerythritol
2500	Methanol	2851	n-pentane
2510	Methyl acetate	2855	l-pentene
2520	Methyl acetoacetate	2860	Perchloroethylene
2530	Methylamine	2882	Perchloromethyl mercaptan
2540	n-methylaniline	2890	o-phenetidine
2545	Methyl bromide	2900	p-phenetidine
2550	Methyl butynol	2910	Phenol
2560	Methyl chloride	2920	Phenolsulfonic acids
2570	Methyl cyclohexane	2930	Phenyl anthranilic acid
2590	Methyl cyclohexanone	2940	Phenylenediamine
2620	Methylene chloride	2950	Phosgene
2630	Methylene dianiline	2960	Phthalic anhydride
2635	Methylene diphenyl diisocyanate	2970	Phthalimide
2640	Methyl ethyl ketone	2973	B-picoline
2645	Methyl formate	2976	Piperazine
2650	Methyl isobutyl carbinol	3000	Polybutenes
2660	Methyl isobutyl ketone	3010	Polyethylene glycol
2665	Methyl methacrylate	3025	Polypropylene glycol
2670	Methyl pentynol	3063	Propionaldehyde
2690	a-methylstyrene	3066	Propionic acid
2700	Morpholine	3070	n-propyl alcohol
2710	a-naphthalene sulfonic acid	3075	Propylamine
2720	B-naphthalene sulfonic acid	3080	Propyl chloride
2730	a-naphthol	3090	Propylene
2740	B-naphthol	3100	Propylene chlorohydrin
2750	Neopentanoic acid	3110	Propylene dichloride
2756	o-nitroaniline	3111	Propylene glycol
2757	p-nitroaniline	3120	Propylene oxide
2760	o-nitroanisole	3130	Pyridine
2762	p-nitroanisole	3140	Quinone
2770	Nitrobenzene	3150	Resorcinol
2780	Nitrobenzoic acid (o, m, and p)	3160	Resorcylic acid
2790	Nitroethane	3170	Salicylic acid

TABLE I.
SYNTHETIC ORGANIC CHEMICALS

OCPDB No.*	Chemical	OCPDB No.*	Chemical
3180	Sodium acetate	3380	Toluene sulfonyl chloride
3181	Sodium benzoate	3381	Toluidines
3190	Sodium carboxymethyl cellulose	3390	
3191	Sodium chloracetate	3391	
3200	Sodium formate	and	
3210	Sodium phenate	3393	Trichlorobenzenes
3220	Sorbic acid	3395	1,1,1-trichloroethane
3230	Styrene	3400	1,1,2-trichloroethane
3240	Succinic acid	3410	Trichloroethylene
3250	Succinonitrile	3411	Trichlorofluoromethane
3251	Sulfanilic acid	3420	1,2,3-trichloropropane
3260	Sulfolane	3430	1,1,2-trichloro-1,2,2-trifluoroethane
3270	Tannic acid		
3280	Terephthalic acid	3450	Triethylamine
3290		3460	Triethylene glycol
and		3470	Triethylene glycol dimethyl ether
3291	Tetrachloroethanes	3480	Triisobutylene
3300	Tetrachlorophthalic anhydride	3490	Trimethylamine
3310	Tetraethyllead	3500	Urea
3320	Tetrahydronaphthalene	3510	Vinyl acetate
3330	Tetrahydrophthalic anhydride	3520	Vinyl chloride
3335	Tetramethyllead	3530	Vinylidene chloride
3340	Tetramethylenediamine	3540	Vinyl toluene
3341	Tetramethylethylenediamine	3541	Xylenes (mixed)
3350	Toluene-2,4-diamine	3560	o-xylene
3354	Toluene-2,4-diisocyanate	3570	p-xylene
3355	Toluene diisocyanates (mixture)	3580	Xylenol
3360	Toluene sulfonamide	3590	Xylidine
3370	Toluene sulfonic acids		

*The OCPDB Numbers are reference indices assigned to the various chemicals in the Organic Chemical Producers Data Base developed by EPA.