Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** January 7, 2011

Thru: LaDonna Castañuela, Chief Clerk
Mark R. Vickery, P.G. Executive Director

From: Susana M. Hildebrand, P.E., Chief Engineer

Docket No.: 2010-0642-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 115, Control of Air Pollution from Volatile Organic Compounds (VOC)
Chapter 115 VOC Degassing Rule Revisions
Rule Project No. 2009-036-115-EN

Background and reason(s) for the rulemaking:
Title 30 Texas Administrative Code (TAC) Chapter 115, Subchapter F, Division 3, regulates the degassing of storage tanks, transport vessels, and marine vessels. Compliance with the rule is currently required for affected sources in the Houston-Galveston-Brazoria and Beaumont-Port Arthur areas. On May 21, 2010, the commission published notice in the *Texas Register* requiring affected sources in Collin, Dallas, Denton, and Tarrant Counties to comply with the rule no later than May 21, 2011; the rule is a contingency measure being implemented as a result of preliminary ambient ozone monitoring data indicating the Dallas-Fort Worth area failed to attain the 1997 eight-hour ozone National Ambient Air Quality Standard by the June 15, 2010, attainment deadline. Although not currently effective, the Chapter 115 degassing rules also apply in El Paso County as contingency measures that could become effective if the commission determines the rules are necessary to comply with federal air quality standards.

Beginning in April 2009, a series of petitions for rulemaking were submitted to the commission regarding the more stringent degassing requirements that became effective in the Houston-Galveston-Brazoria area on January 1, 2009. Although, these petitions were withdrawn before the scheduled agenda for the commission's consideration while evaluating the merit of these petitions, staff identified several portions of the degassing rules that could be clarified to facilitate compliance and enforcement. In addition, numerous questions were also raised by affected regulated entities, consultants, and vendors regarding compliance with the requirements in Chapter 115, Subchapter F, Division 3. The adopted rulemaking addresses the concerns raised by stakeholders by revising the above-mentioned rule to clarify the degassing rule requirements for sources in all affected areas, provides additional flexibility for affected owners or operators by allowing for the use of alternative control and monitoring options, and facilitates rule enforcement.

Re: Docket No. 2010-0642-RUL

Scope of the rulemaking:
A) Summary of what the rulemaking will do:
The adopted rulemaking repeals §§115.541, 115.542, and 115.545; adopts new §§115.540 - 115.542, and 115.545; and amends §§115.543, 115.544, 115.546, 115.547, and 115.549. The adopted, amended, and new sections will clarify the Chapter 115 rules for the degassing of storage tanks, transport vessels, and marine vessels to facilitate compliance and enforcement and provide affected owners or operators with additional control options.

B) Scope required by federal regulations or state statutes:
None.

C) Additional staff recommendations that are not required by federal rule or state statute:
General clarification of rule requirements—The adopted rulemaking reformats the existing rule in Chapter 115, Subchapter F, Division 3, to simplify and clarify the requirements. To clarify the intent of this rule, the adopted title of this division has been changed to *Degassing of Storage Tanks, Transport Vessels, and Marine Vessels*. Some of these formatting changes include adopting new §115.540 to specify the rule applicability and to define terms commonly used in this division, repealing §§115.541, 115.542, and 115.545, adopting new §§115.541 and 115.542 to consolidate the emission specifications and control requirements, and adopting new §115.545 to reformat the approved test methods. In addition, the adopted rulemaking makes other non-substantive revisions to update the rule language to current *Texas Register* style and format requirements.

Additional control options—The adopted rule revision specifically provides for the use of the following equivalent control options to comply with the emission specifications in the rule.

- Flares—The adopted rule allows for the use of flares that are designed and operated in accordance with 40 Code of Federal Regulations (CFR) §60.18(b) - (f), lit at all times when VOC vapors are routed to the flare, and monitored to ensure compliance with the minimum net heating value or hydrogen content requirements in 40 CFR §60.18 during the degassing operation.
- Recirculation systems—The adopted rule allows for the use of recirculation systems that do not cause the pressure inside the tank or vessel to increase by more than one inch water pressure at any time during the degassing operation.
- Maximum exhaust concentration—The adopted rule waives some of the testing and monitoring requirements for control devices that can maintain an exhaust gas concentration less than 500 parts per million by volume (ppmv) at 0% oxygen, dry basis, expressed as methane.

Demonstrating compliance with control requirements—The adopted rule revises options for sources in all areas.

- The adopted rule removes the existing option for a tank or vessel in the Beaumont-Port Arthur, Dallas-Fort Worth, and El Paso areas to be vented to the atmosphere

without control for the remainder of the degassing operation once a turnover of at least four vapor space volumes, or four turnovers of the vapor space under a floating roof, has occurred. The removal of this option addresses concerns that any liquids remaining in the bottom of the tank or vessel due to irregularities in the vessel surface would continue to be a source of VOC emissions after the four turnover criterion has been satisfied.

- The adopted rule provides sources in the Beaumont-Port Arthur, Dallas-Fort Worth, and El Paso areas with the option for the tank or vessel to be vented to the atmosphere without control once the VOC concentration before the inlet to the control device is less than 50% of the lower explosive limit (LEL). Existing §115.542(b)(4) uses 20% of the LEL as one of the options for determining when marine vessels in the Beaumont-Port Arthur area may be vented to the atmosphere without control. Because the LEL criterion is an option to allow flexibility in measurement methods and because the existing 34,000 ppmv concentration limit is the least stringent option, the adopted option to allow 50% of the LEL expressed as methane instead of 20% of LEL will not allow an increase in VOC emissions over those allowed under the existing rule.
- The adopted rule requires the VOC vapors from a floating roof storage tank to be routed to a control device as soon as practical but no later than 24 hours after the tank has been emptied to the extent practical or the drain pump loses suction for a floating roof storage tank containing VOC liquids with a true vapor pressure greater than or equal to 1.5 pounds per square inch absolute (psia) under actual storage conditions. The proposed rules were revised to extend the start time from 24 hours to 72 hours if the stored product has a true vapor pressure less than 1.5 psia and to exempt drain-dry floating roof tanks from the start-time requirement.

Clarification of monitoring and testing requirements—The adopted rule revision will specify the following monitoring and testing requirements.

- Concentration measurements—The VOC concentration measurements required to determine whether the tank or vessel can be vented to the atmosphere without control must be taken over a period of five minutes, and none of the measurements can exceed the thresholds established in the rule.
- Demonstrating the VOC concentrations remain below the applicable limit—Additional monitoring options are provided to all areas affected by the rule to demonstrate that the VOC concentration is below the applicable limit.
- Control efficiency demonstrations—Initial control efficiency demonstrations must be conducted in accordance with the approved test methods in §115.545 for any control device used to comply with the option to maintain a control efficiency of at least 90% when the device is being used for degassing operation. The control device must be retested after any modification that could reasonably be expected to decrease the efficiency of a control device within 60 days after the modification or before being used to comply with the requirements in §115.542(a)(1), whichever is longer. A periodic control efficiency demonstration must be conducted at least once

every 60 months for a portable control device unless the control device is operated according to the specified parameters in the rule.

- Requirements for additional control options—Monitoring and recordkeeping requirements are provided for the new control options included the adopted rule.
- Additional monitoring or test methods and procedures—The adopted rule allows for the use of additional monitoring or test methods to demonstrate compliance; for the use of monitoring or test methods not currently included in the existing rule; and monitoring or test methods currently available for use by affected sources in the Houston-Galveston-Brazoria area to be used by affected sources in all areas.
- Determination of true vapor pressure—The adopted rule allows for the use of standard reference texts or American Society for Testing and Materials (ASTM) Test Methods to determine true vapor pressure. The adopted rule also allows the actual storage temperature of an unheated tank or vessel to be determined using the maximum local monthly average ambient temperature as reported by the National Weather Service. The adopted rule also allows the actual storage temperature of a heated tank or vessel to be determined using either the measured temperature or the temperature set point of the tank or vessel.

Notification requirements—The adopted rulemaking requires the owner or operator of a storage tank, transport vessel, or marine vessel in the Houston-Galveston-Brazoria area to notify the appropriate regional office of upcoming degassing operations upon request by authorized representatives of the executive director (i.e., appropriate TCEQ regional staff).

Statutory authority:
The rulemaking will be adopted under Texas Water Code (TWC), §5.102, concerning General Powers, §5.103, concerning Rules, and §5.105, concerning General Policy, that authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The rules will also be adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.014, Emissions Inventory, which authorizes the commission to require a person whose activities cause air contaminant emissions to submit information to enable the commission to develop an emissions inventory; §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe requirements for owners or operators of sources to make and maintain records of emissions measurements; and §382.021, concerning Sampling Methods and Procedures, that authorizes the commission to prescribe the sampling methods and procedures to determine compliance with its rules. The rulemaking will also

be adopted under 42 United States Code, §§7420 et seq. that require states to adopt certain pollution control measures.

Effect on the:
A) Regulated community: The adopted rulemaking clarifies the existing rule requirements and provides affected sources with additional options for compliance. The adopted rulemaking is not anticipated to create new affected sources. Since sources are already required to comply with the existing rule, the adopted rulemaking is not anticipated to have significant fiscal impact on the affected sources. Affected sources are only anticipated to use the adopted compliance options if those options are more cost-effective than the procedures currently being used to comply with the rule requirements. Sources currently subject to the rule (but not in the Houston-Galveston-Brazoria area) will be required to comply with the Houston-Galveston-Brazoria area requirement to demonstrate the VOC concentrations do not increase above the applicable limits.

B) Public: The adopted rule revisions are not expected to affect the general public.

C) Agency programs: The adopted rule revisions may increase the workload for Office of Compliance and Enforcement staff when inspecting affected facilities to verify compliance with any revised Chapter 115 degassing requirements. The adopted rulemaking requires affected sources in the Houston-Galveston-Brazoria area to provide notification of upcoming degassing operations upon request from authorized representatives of the executive director (i.e., appropriate TCEQ regional staff). The adopted rule revisions facilitate enforcement of the degassing requirements.

Stakeholder meetings:
Stakeholder meetings were held in Houston on November 16, 2009, and February 22, 2010, and in Austin on November 19, 2009, and February 25, 2010. The February 25, 2010, stakeholder meeting included video teleconferences for Dallas, Beaumont, and El Paso. The stakeholder meetings were open participation. Attendees included industry representatives, consultants, and degassing vendors and environmental groups.

In general, stakeholders supported clarifying the rule requirements to facilitate compliance and enforcement and revising the rule to provide additional flexibility to affected owners or operators. Stakeholders supported allowing the use of additional test methods, including Method 19 and alternative test methods as approved by the executive director. Stakeholders also supported revising the rule to allow for the use of alternative control options, including flares and recirculation systems. Stakeholders also requested the rule allow for the use of low vapor pressure liquids to reduce VOC emissions during degassing operations. Some stakeholders opposed revising the rule to include more specific monitoring and testing requirements or to require notification of upcoming degassing operations. Multiple stakeholders commented that the 12-hour monitoring requirement in the Houston-Galveston-Brazoria area to demonstrate the VOC concentration remains below the applicable limit after degassing was unnecessary.

Public comment:
The commission scheduled public hearings on this proposal on September 7, 2010, at 10:00 a.m. at the Texas Commission on Environmental Quality, in Austin; on September 8, 2010, at 2:00 p.m. at the Houston-Galveston Area Council in Houston; and on September 9, 2010, at 2:00 p.m. at the Texas Commission on Environmental Quality, Region 4 Office, in Fort Worth. The public hearings were not officially opened because no party indicated a desire to provide comment.

The commission received written comments from Green Environmental Consulting, Incorporated (Green Environmental), Johann Haltermann Limited (Johann Haltermann), Kinder Morgan Energy Partners, Limited Partnership (Kinder Morgan), NanoVapor Fuel Group (NanoVapor), ProAct Services Corporation (ProAct), Remediation Service International (RSI), Texas Chemical Council (TCC), Texas Terminal Operator Group (TTOG), Texas Oil and Gas Association (TxOGA), and the United States Environmental Protection Agency Region 6 (EPA). Significant public comments are summarized as follows.

General Comments–
TCC commented that performing and documenting compliance demonstrations for contracted control devices should be the responsibility of the contractor operating the control device. TCC commented that in a similar manner, performance and records of stack tests should be the responsibility of the control device owner or operator and not of the facility; the facility owner should be required only to obtain and maintain copies of the documentation. *No changes were made in response to this comment.*

TxOGA suggested that §115.540(a) be revised to apply to the regulated entity performing the degassing or cleaning operation or the third-party contractor performing the degassing or cleaning operation. *No changes were made in response to this comment.*

TCC and TxOGA commented that the commission should provide an option to use low vapor pressure liquid to comply with the requirements of this division. TCC suggested that distillate flooding should be allowed because it would prevent pollution, which is preferable to a capture-and-control approach. TCC commented that distillate flooding avoids generation of secondary emissions and is not dependent on the proper functioning of mechanical systems. TxOGA requested that the rule be revised to include an alternative for using low vapor pressure product to reduce the tank vapor pressure to less than 0.5 psia. *No changes were made in response to this comment.*

TTOG commented that the rule frequently uses the phrases *degassing and cleaning* and *degassing or cleaning* and suggested revising the rule to just use the term

degassing. In response to comments, the rules were revised to replace phrases degassing and cleaning and degassing or cleaning with the term degassing throughout this division. In addition, the title of this division has been revised to Degassing of Storage Tanks, Transport Vessels, and Marine Vessels to reflect the change.

Section 115.540 Applicability and Definitions—
EPA commented that the rule language in §115.540(a) appears to limit applicability to degassing in preparation for or during cleaning. EPA indicated that it is not clear why the applicability should be limited to just degassing for these reasons since tanks could potentially be degassed for other reasons. *No changes were made in response to this comment.*

TCC, TTOG and TxOGA commented on the definition of *Cleaning* in §115.540(b)(1). TCC commented that the definition of *Cleaning* is overly broad in that it includes the removing of vapor as an activity that constitutes cleaning. TTOG commented that because the term *Cleaning* is not defined by the current rules, it is given its customary meaning, which does not include removal of vapors. TxOGA commented that the definition of *Cleaning* in §115.540(b)(1) is important because it determines rule applicability for this rule and added that it is important not to define the term so broadly as to affect activities that should not be subject to this regulation. *In response to comments, the definition of Cleaning has been revised to exclude the removal of vapor.*

TCC and TxOGA commented on the definition of *Degassing* in §115.540(b)(2). TCC and TxOGA commented that the proposed *Degassing* definition conflicts with the usage of that term in numerous regulations. TxOGA commented that the definition of *Degassing* in §115.540(b)(2) is important because it determines rule applicability for this rule and added that it is important not to define the term so broadly as to affect activities that should not be subject to this regulation. *In response to comments, the definition of Degassing has been revised to include the removal of VOC vapors from a storage tank, transport vessel, or marine vessel during, or in preparation of, cleaning.*

Section 115.541 Emission Specifications—
TTOG and TxOGA commented on the 24-hour limit to start the degassing in §115.541(f). TTOG suggested deleting §115.541(f) because it has limited benefit and poses several problems including: conflicts with New Source Review permits; technical infeasibility; minimal environmental benefits; state implementation plan approvability; and increased stringency. TxOGA strongly opposed the 24-hour limit in §115.541 because terminals cannot always comply with this new requirement. TxOGA also suggested an exemption for drain-dry tanks since they do not continue to generate vapors beyond the 24-hour limit. *In response to comments, §115.541(f) has been revised to extend the degassing start time from 24 hours to 72 hours if the*

stored product has a true vapor pressure less than 1.5 psia and exempt drain-dry floating roof tanks from the start-time requirement.

Section 115.542, Control Requirements—
TCC suggested revising §115.542(a)(2) to eliminate the proposed additional requirement to ensure the flare is lit at all times when VOC vapor is routed to the flare. TTOG objected to language in §115.542(a)(2) that would require the flare to be lit at all times when VOC vapor is routed to the flare and stated that prevailing flare regulations, such as 40 CFR §60.18(b) - (f), regulate other flare parameters that are easier to verify but nonetheless provide reasonable assurance of the flare's emissions control performance. *No changes were made in response to these comments.*

Section 115.544, Inspection, Monitoring, and Testing Requirements—
TCC requested clarification that for control devices not specifically listed §115.544(b)(2)(A) - (H), the owner or operator may select any operational parameters necessary to demonstrate proper functioning of a control device in accordance with §115.544(b)(2). *In response to comment, §115.544(b)(2)(J) has been added allowing a control device not listed in this paragraph, the owner or operator shall continuously monitor one or more operational parameters sufficient to demonstrate proper functioning of the control device to design specifications.*

Green Environmental and Johann Haltermann commented that §115.544(b)(2)(E) should allow facilities the option to monitor hydrogen content instead of heating value for flares complying with 40 CFR §60.18(c)(3)(i). *In response to comments, new clause (iv) has been added to allow for the monitoring of hydrogen content instead of net heating value for non-assisted flares electing to comply with 40 CFR §60.18(c)(3)(i).*

Green Environmental commented that the monitoring requirements in §115.544 is the first time that an attempt in a general VOC rule to codify methods to demonstrate compliance with 40 CFR §60.18 for flares. TTOG commented that any such extraordinary requirement should be evaluated evenly across different constituencies that use flares for emissions control in various operating scenarios. *No changes were made in response to these comments.*

Green Environmental commented that §115.544(b)(2)(E)(ii) does not specify the volume of supplemental fuel added that must be considered with the total waste gas flow (with assumed zero Btu value) in order to demonstrate an overall heating value per standard cubic foot of the flared gas. TTOG stated that §115.544(b)(2)(E)(ii) would call for monitoring of flare parameters that are not relevant to flare performance to the extent that it addresses the volume of supplemental fuel or monitoring or calculations solely addressed to the non-fuel component of the gas

stream. *In response to comments, §115.544(b)(2)(E)(ii) has been revised to require the owner or operator to continuously monitor the total volume of supplemental fuel added to the gas stream routed to the flare and continuously maintain sufficient supplemental fuel to meet the minimum net heating value requirements in 40 CFR §60.18 assuming that the net heating value of the degassed VOC vapor is equivalent to a level corresponding to 50% of the lower explosive limit (LEL); the owner or operator can estimate the flow rate of the VOC vapors from the tank or vessel if the flow rate is not monitored.*

ProAct commented that if product, sludge, or rust scale is still in the tank and tank cleaning begins or continues after this point, then it is believed that the VOC levels will likely increase above 34,000 ppmv within the next one or two hours after the owner or operator stops routing VOC vapors to the control device unless the product, sludge, or rust scale has been adequately removed. *In response to comment, proposed §115.544(b)(4)(C) has been deleted from the adopted rules.*

Section 115.545, Approved Test Methods—
Green Environmental, TCC and TxOGA commented on the temperature to determine the true vapor pressure. Green Environmental commented that a facility should not be prohibited from using a lower actual storage temperature since the applicability in §115.540(a) states that the vapor pressure determination should occur at actual storage conditions. TCC requested §115.545 (11) be revised to remove the requirement to use a lower bound of 95 degrees Fahrenheit to determine true vapor pressure. TxOGA requested §115.545 (11) be revised to remove the requirement to use the higher of 95 degrees Fahrenheit or actual storage conditions to determine true vapor pressure. *In response to comments,§115.545(11) has been revised to allow the true vapor pressure of an unheated tank or vessel to be determined using the maximum local monthly average ambient temperature as reported by the National Weather Service. The adopted rule also allows the actual storage temperature of a heated tank or vessel to be determined using either the measured temperature or the temperature set point of the tank or vessel.*

Green Environmental stated it should be clear that facilities cleaning tanks that last held downstream chemicals are allowed to use documented vapor pressure data in published literature or as developed by their companies for their chemical products. TTOG suggested that §115.545(11) should not require actual ASTM testing for vapor pressure determinations where such determinations can be made using standard reference materials. *In response to comments, §115.545(11) has been revised to allow the true vapor pressure to be determined either by using standard reference texts or using the ASTM methods listed.*

Section 115.549, Compliance Schedules—
Green Environmental commented that additional time should be allowed in the compliance schedule for facilities to install instrumentation to comply with the

requirements in §115.544(b)(2)(E). *In response to this comment, the compliance schedules in §115.549(b) and (d) have been revised to allow the owner or operator to comply with requirement no later than March 1, 2012, if the installation of additional monitoring equipment is necessary to comply with the requirements in §115.544(b)(2)(E).*

Significant changes from proposal:

Section 115.540 Applicability and Definitions—
The rules were revised to add the definition of Drain-dry floating roof tank as necessary to clarify the requirements in §115.541(f) and clarify the definitions of *Cleaning and Degassing*.

Section 115.541 Emission Specifications—
The rules were revised to clarify that VOC vapors do not need to be routed to a control device if the VOC concentration inside the tank or vessel is less than 34,000 ppmv by volume expressed as methane or 50% of the LEL.

The rules were revised to extend the degassing start time from 24 hours to 72 hours if the stored product has a true vapor pressure less than 1.5 psia and to exempt drain-dry floating roof tanks from the start-time requirement.

Section 115.542 Control Requirements—
The rules were revised to allow for the monitoring of hydrogen content instead of net heating value for non-assisted flares electing to comply with 40 CFR §60.18(c)(3)(i).

The rules for any control device used to comply with the optional exhaust gas concentration limit in §115.542(a)(4) were revised to allow the owner or operator to perform a single one-hour test to demonstrate the concentration of the VOC is below the concentration limit in §115.542(a)(4) and to specify the test must begin within one hour after the start of the degassing operation.

The rules for an internal combustion engine were revised to allow the owner or operator to continuously monitor the engine exhaust gas oxygen content throughout the degassing operation as an indicator of the proper operation of the engine.

Section 115.544 Inspection, Monitoring, and Testing Requirements—
The rules were revised requiring the owner or operator to continuously monitor one or more operational parameters sufficient to demonstrate proper functioning of the control device to design specifications if the control device is not listed in §115.544(b)(2)(A) - (H).

The rules were revised to allow the VOC concentration be monitored during a five-minute period using the integrated bag sampling procedure in Method 18 (40 CFR Part 60, Appendix A), §8.2.1.1 - 8.2.1.4, and a total hydrocarbon analyzer that meets instrument and calibration specifications in Method 21.

The rules were revised to suspend 12-hour VOC monitoring if the measured VOC concentration is less than 6,800 ppmv expressed as methane or 10% of the LEL.

The rules were revised to allow the storage tank, transport vessel, or marine vessel to be vented to atmosphere without control for the remainder of the degassing operation with no further VOC measurements if the VOC concentration inside the tank or vessel is less than 6,800 ppmv expressed as methane or 10% of the LEL before the owner or operator stops routing the VOC vapors to a control device in accordance with §115.541 and §115.542.

The rules were revised to allow the executive director to approve minor modifications to the monitoring methods specified in this section and to allow monitoring methods other than those specified in this section to be used if approved by the executive director and validated by 40 CFR Part 63, Appendix A, Method 301.

The rules were revised to specify the sampling location for monitoring the VOC concentration as required by §115.544(b)(3) should be immediately before the control device or in the transfer line connecting from the tank or vessel to the control device; the owner or operator may elect to monitor the VOC concentration at a location inside the vapor space of tank or vessel provided the location is representative of the VOC concentration entering the control device.

Section 115.545 Approved Test Methods—
The rules were revised to use standard reference texts to determine the true vapor pressure and the owner or operator can use the actual storage temperature or using the maximum local monthly average ambient temperature as reported by the National Weather Service for an unheated tank or vessel.

Section 115.549 Compliance Schedules—
The rules were revised to allow additional time but no later than March 1, 2012, to install additional monitoring equipment necessary to comply with the requirements in §115.544(b)(2)(E).

Potential controversial concerns and legislative interest remaining after proposal and public comment:
Several comments were received concerning the technical feasibility of beginning the degassing operation within 24 hours after the floating roof storage tank has been emptied to the extent practical or the drain pump loses suction. The rule was revised to extend the degassing start time from 24 hours to 72 hours if the stored product has a true vapor

pressure less than 1.5 psia and to exempt drain-dry floating roof tanks from the start-time requirement. However, issues related to this start-time requirement may still be of concern to some stakeholders. Several comments received concern the flare monitoring requirements and the requirement for the flare to be lit at all times when VOC emissions are routed to the flare.

Does this rulemaking affect any current policies or require development of new policies? No.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?
The commission could decide not to proceed with all or part of the proposed rulemaking. Stakeholders could submit petitions for rulemaking to allow for the use of alternative control options.

Key points in adoption rulemaking schedule:
Texas Register proposal publication date: August 13, 2010
Anticipated *Texas Register* publication date: February 11, 2011
Anticipated effective date: February 17, 2011
Six-month *Texas Register* filing deadline: February 14, 2011

Agency contacts:
Eddy Lin, Rule Project Manager, 239-3932, Air Quality Division
Amy Browning, Staff Attorney, 239-0891
Devon Ryan, Texas Register Coordinator, 239-6090

Attachments
None.

cc: Chief Clerk, 2 copies
Executive Director's Office
Susana M. Hildebrand, P.E.
Kevin Patteson
Curtis Seaton
Ashley Morgan
Office of General Counsel
Eddy Lin
Devon Ryan