

The commission adopts new §§122.511-122.515, concerning the requirements for specific general operating permits, with changes to the proposed text as published in the June 4, 1996, issue of the Texas Register (21 TexReg 4955). The changes, in part, reflect the use of new terminology in referring to the General Permits as General Operating Permits in the subchapter title, undesignated head title, titles of the adopted five sections, and within each of these five sections.

New §122.511, concerning Oil and Gas General Operating Permit - Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties, provides sites subject to 30 TAC Chapter 122 which are located in these counties the authority to operate under this General Operating Permit, provided that the units meet the Qualification Criteria listed in subsection (a) of this section. General Provisions that the owner or operator must comply with are listed in subsection (b) of this section. The requirements for each site subject to 30 TAC Chapter 122 which apply on a unit-specific basis for purposes of these General Operating Permits are listed in subsection (c) of this new section.

Since the rule proposal, several qualification criteria have been revised or added to §122.511(a). These revisions or additions are based on comments received during the General Operating Permit comment period and corrections deemed necessary by the commission. The qualification criteria for tanks, storage vessels, or containers; boilers and steam generators; process vents; and stationary gas turbines are among the qualification criteria that were revised. A new qualification criteria stating that process heaters and furnaces shall only be fired with natural gas fuel was added.

In addition, several general provisions have been revised or added to §122.511(b). Revised general provisions include those for the risk management plan, Title VI protection of stratospheric ozone, and custom fuel monitoring schedules. New general provisions for the sulfur feed rate of sweetening units, the recordkeeping for stationary gas turbines claiming an exemption in Title 40, Code of Federal Regulations, Part 60 (40 CFR 60) in 40 CFR, §60.332, preconstruction authorizations, and fugitive emission control for §§115.352-115.359 are among the provisions which have been added.

The permit tables in §122.511(c) were also revised, added, or deleted. The permit table for process heaters and furnaces was deleted, since liquid fuel firing is now not allowed by the qualification criteria. This permit table deletion necessitated the renumbering of each subsequent figure number and index number in the permit tables in this subsection. Descriptive titles were added to each of the permit tables to aid in their use by the regulated community. Liquid fuel firing references were deleted in the boiler and steam generator permit table. Other changes to the permit tables include additional text to provide clarity, along with corrections of typographical errors and misrepresented applicable requirements.

New §122.512, concerning Oil and Gas General Operating Permit - Gregg, Nueces, and Victoria Counties, provides sites subject to 30 TAC Chapter 122 which are located in these counties the authority to operate under this General Operating Permit, provided that the units meet the Qualification Criteria listed in subsection (a) of this section. General Provisions that the owner or operator must comply with are listed in subsection (b) of this section. The requirements for each site subject to 30

TAC Chapter 122 which apply on a unit-specific basis for purposes of these General Operating Permits are listed in subsection (c) of this new section.

Several qualification criteria have been revised, added, or deleted in §122.512(a). The qualification criteria for tanks, storage vessels, or containers; boilers and steam generators; process vents; and stationary gas turbines are among the qualification criteria that were revised. A new qualification criteria stating that process heaters and furnaces shall only be fired with natural gas fuel was added. The qualification criteria relating to §§115.541-115.546 was deleted.

In addition, several general provisions have been revised or added to §122.512(b). Revised general provisions include those for the risk management plan, Title VI protection of stratospheric ozone, and custom fuel monitoring schedules. New general provisions for the sulfur feed rate of sweetening units, the recordkeeping for stationary gas turbines claiming an exemption in 40 CFR, §60.332, and preconstruction authorizations are among the general provisions that were added.

The permit tables of §122.512(c) were also revised, added, or deleted. The permit table for process heaters and furnaces was deleted since liquid fuel firing is now not allowed by the qualification criteria. This permit table deletion necessitated the renumbering of each subsequent figure number and index number in the permit tables of this subsection. Descriptive titles were added to each of the permit tables to aid in their use by the regulated community. Liquid fuel firing references were deleted in the

boiler and steam generator permit table. Other changes to the permit tables include additional text to provide clarity, along with corrections of typographical errors and misrepresented applicable requirements.

New §122.513, concerning Oil and Gas General Operating Permit - Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, provides sites subject to 30 TAC Chapter 122 which are located in these counties the authority to operate under this General Operating Permit, provided that the units meet the Qualification Criteria listed in subsection (a) of this section. General Provisions that the owner or operator must comply with are listed in subsection (b) of this section. The requirements for each site subject to 30 TAC Chapter 122 which apply on a unit-specific basis for purposes of these General Operating Permits are listed in subsection (c) of this new section.

Several qualification criteria have been revised, added, or deleted in §122.513(a). The qualification criteria for tanks, storage vessels, or containers; boilers and steam generators; process vents; and stationary gas turbines are among the qualification criteria that were revised. A new qualification criteria stating that process heaters and furnaces shall only be fired with natural gas fuel was added. The qualification criteria relating to §§115.541-115.546 was deleted.

In addition, several general provisions have been revised or added to §122.513(b). Revised general provisions include those for the risk management plan, Title VI protection of stratospheric ozone, and custom fuel monitoring schedules. New general provisions for the sulfur feed rate of sweetening units,

the recordkeeping for stationary gas turbines claiming an exemption in 40 CFR, §60.332, and preconstruction authorizations are among the general provisions that were added.

The permit tables of §122.513(c) were also revised, added, or deleted. The permit table for process heaters and furnaces was deleted, since liquid fuel firing is now not allowed by the qualification criteria. This permit table deletion necessitated the renumbering of each subsequent figure number and index number in the permit tables of this subsection. Descriptive titles were added to each of the permit tables to aid in their use by the regulated community. Liquid fuel firing references were deleted in the boiler and steam generator permit table. Other changes to the permit tables include additional text to provide clarity, along with corrections of typographical errors and misrepresented applicable requirements.

New §122.514, concerning Oil and Gas General Operating Permit - All Texas Counties Except for 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, provides sites subject to 30 TAC Chapter 122 which are located in these counties the authority to operate under this General Operating Permit, provided that the units meet the Qualification Criteria listed in subsection (a) of this section. General Provisions that the owner or operator must comply with are listed in subsection (b) of this section. The requirements for each site subject to 30 TAC Chapter 122 which apply on a unit-specific basis for purposes of these General Operating Permits are listed in subsection (c) of this new section.

Several qualification criteria have been revised, added, or deleted in §122.514(a). The qualification criteria for tanks, storage vessels, or containers; boilers and steam generators; process vents; and stationary gas turbines are among the qualification criteria that were revised. A new qualification criteria stating that process heaters and furnaces shall only be fired with natural gas fuel was added.

In addition, several general provisions have been revised or added to §122.514(b). Revised general provisions include those for the risk management plan, Title VI protection of stratospheric ozone, and custom fuel monitoring schedules. New general provisions for the sulfur feed rate of sweetening units, the recordkeeping for stationary gas turbines claiming an exemption in 40 CFR, §60.332, and preconstruction authorizations are among the general provisions that were added.

The permit tables of §122.514(c) were revised, added, or deleted. The permit table for process heaters and furnaces was deleted, since liquid fuel firing is now not allowed by the qualification criteria. This permit table deletion necessitated the renumbering of each subsequent figure number and index number in the permit tables of this section. Descriptive titles were added to each of the permit tables to aid in their use by the regulated community. Liquid fuel firing references were deleted in the boiler and steam generator permit table. Other changes to the permit tables include additional text to provide clarity, along with corrections of typographical errors and misrepresented applicable requirements.

New §122.515, concerning Bulk Fuel Storage Terminal General Operating Permit, provides sites subject to 30 TAC Chapter 122 the authority to operate under this General Operating Permit, provided that the units meet the Qualification Criteria listed in subsection (a) of this section. General Provisions

that the owner or operator must comply with are listed in subsection (b) of this section. The requirements for each site subject to 30 TAC Chapter 122 which apply on a unit-specific basis for purposes of these General Operating Permits are listed in subsection (c) of this new section.

A new qualification criteria for stationary vents (similar to the qualification criteria in §§122.511-122.514) was added in conjunction with the addition of the stationary vent permit tables in §122.515(c).

Several general provisions have been revised in §122.515(b). Revised general provisions include those for the risk management plan, Title VI protection of stratospheric ozone, and compliance with all applicable requirements.

The permit tables of §122.515(c) were revised and added. Descriptive titles were added to each of the permit tables to aid in their use by the regulated community. Three permit tables addressing stationary vents were added. Other changes to the permit tables include additional text to provide clarity, along with corrections of typographical errors and misrepresented applicable requirements.

Emission units with requirements not codified in the General Operating Permit, other than National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Source Categories (Title 40, Code of Federal Regulations, Part 63 (40 CFR 63)), will require another type of federal operating permit (either a Site Operating Permit or a Temporary Operating Permit). The remaining emission units at the site can apply for and receive authorization to operate under a General Operating Permit.

Currently, the NESHAP for Bulk Gasoline Terminals and Pipeline Breakout Stations (40 CFR 63, Subpart R) is the only 40 CFR 63 subpart that applies to units that may be authorized to operate under these General Operating Permits. Specifically, the requirements of this subpart potentially affect only sources applying for authorization to operate under the General Operating Permit in §122.515.

However, the proposed §122.515 did not codify the requirements of 40 CFR 63, Subpart R because, at the time of proposal, the United States Environmental Protection Agency (EPA) has not delegated 40 CFR 63, Subpart R to the commission for enforcement. Therefore, 40 CFR 63, Subpart R is currently a requirement that is federally enforceable only by the Administrator of the EPA. The omission of the 40 CFR 63, Subpart R requirement from §122.515 does not preclude an owner or operator of a unit from applying to be authorized to operate that unit under this General Operating Permit. Additionally, the omission of this subpart does not relieve the owner or operator from having to comply with the requirements of 40 CFR 63, Subpart R. The commission expects to receive delegation of 40 CFR 63, Subpart R in the future. A General Operating Permit will then be developed to codify the requirements of this regulation. Owners or operators who have received authorization to operate under the General Operating Permit for §122.515 should then apply for this new permit if they are affected by 40 CFR 63, Subpart R. The commission anticipates handling other 40 CFR 63 requirements in the same manner.

The following 32 issues have been reviewed by the commission for the purposes of developing official interpretations of applicable rules. The final determinations presented have been utilized to develop the Qualification Criteria, General Provisions, and Permit Tables in each of the General Operating Permits, and were based on the analysis of testimony and the continuing review of these determinations by the

commission during the public comment period. In the case of determinations involving federal standards, the commission has utilized available guidance from the EPA.

1. Determination of applicability of Title 30, Texas Administrative Code, Chapter 115 (30 TAC Chapter 115) in §115.342 versus §115.352 for volatile organic compound (VOC) fugitive emission controls at natural gas/gasoline processing plants.

The commission determines that currently, sources have the option of complying with either the "old" rules (§§115.342-115.349) or the "new" rules (§§115.352-115.359) until November 15, 1996. After November 15, 1996, sources will be required to comply with both the "old" rules (unless they are repealed by November 15, 1996) and the "new" rules. However, the commission determines that after November 15, 1996, compliance with the "new" rules (§§115.352-115.359) is deemed compliance with the "old" rules (§§115.342-115.349) in accordance with §122.145(e).

2. Determination of applicability of nitrogen oxides (NO<sub>x</sub>) monitoring requirements under 40 CFR 60, Subpart GG when exempted from NO<sub>x</sub> emission standards of Subpart GG.

Note: this request was clarified to the applicable requirements (i.e., monitoring, recordkeeping, testing, and reporting) in 40 CFR, §60.334 and 40 CFR, §60.335 for NO<sub>x</sub> emissions when claiming an exemption under 40 CFR, §60.332.

The commission determines that there are monitoring, recordkeeping, testing, and reporting requirements associated with NO<sub>x</sub> emissions (or nitrogen content in the fuel) when claiming the exemptions stated 40 CFR, §60.332(e), (g), (h), (i), (j), or (l). The commission is making a stringency determination in accordance with §122.145(e) that if an owner and/or operator maintains records to prove the unit's exemption status, the unit is deemed in compliance with the applicable monitoring, recordkeeping, testing, and reporting requirements associated with NO<sub>x</sub> emissions (or nitrogen content in the fuel).

When claiming the exemption unit's stated in 40 CFR, §60.332(f), the facility shall comply with the reporting requirement stated in 40 CFR, §60.334(c)(3). When claiming the exemption stated in 40 CFR, §60.332(k), the facility shall comply with the reporting requirement stated in 40 CFR, §60.334(c)(4). Affects the permit table in §122.511(c)(1).

3. Determination of applicability of §115.126(a)(2) and (b)(2) when complying with §115.126(a)(3) and (b)(3).

The commission determines that §115.126(a)(3) or (b)(3) contain recordkeeping requirements which may be followed instead of §115.126(a)(2) or (b)(2) for sources with emission rates and concentrations below 50% of applicable exemption limits. Affects the permit tables in §122.511(c)(13) and §122.512(c)(12).

4. Determination of whether a “depressurization of a compressor” would trigger applicability of §§115.121-115.129, relating to the undesignated head Vent Gas Control in 30 TAC Chapter 115.

The commission determines that if depressurization of a compressor is done for start-ups, shutdowns, or maintenance, and in accordance with §101.11, the depressurization would be exempt from §§115.121-115.125. Notification is submitted through the appropriate Texas Natural Resource Conservation Commission regional office and to local air pollution control agencies. Affects the permit tables in §§122.511(c)(13); 122.512(12); and 122.513(c)(12).

5. Determination of whether a flare may be considered a direct-flame incinerator.

The commission determines that a flare is not considered to be a direct-flame incinerator.

Demonstration of compliance requirements for flares are identified in 30 TAC Chapter 111 in §111.111(a)(1) relating to Visible Emissions, 30 TAC Chapter 115, and 40 CFR 60, Subpart A in §60.18. Affects the permit tables in §§122.511(c)(4), (13), (16), and (17); 122.512(c)(4), (12), (14), and (15); and 122.515(c)(4), (5), (10), (11), (13), and (14).

6. Determination of any applicable monitoring, testing, recordkeeping, and reporting requirements when claiming any exemptions in §115.137(b)(1), (2), and (4).

Note: this request was clarified to include the same request for §115.137(b)(3).

The commission determines that sources exempted from §115.137(b)(1), (2), and (4) would have to comply with the monitoring and recordkeeping requirements of §115.136(b)(1) and (4). There are no testing or reporting requirements when claiming those exemptions. Sources exempted from §115.137(b)(3) would have to comply with the monitoring, testing, and recordkeeping requirements of §115.135(b)(5), §115.136(b)(1), (3), and (4). There are no reporting requirements when claiming this exemption. Affects the permit tables in §122.512(c)(15) and §122.515(c)(14).

7. Determination of any applicable monitoring and recordkeeping requirements in §115.136 when claiming the exemptions in §115.137(a)(3) and (c)(4).

The commission determines that VOC water separators claiming the exemption in §115.137(a)(3) are subject to the recordkeeping requirements of §115.136(a)(1) and (4). For VOC water separators claiming the exemption in §115.137(c)(4), there are no recordkeeping requirements. Affects the permit tables in §§122.511(c)(17); 122.513(c)(15); and 122.515(c)(13) and (15).

8. Determination of applicability of §115.112(a)(2)(F) and §115.114(a) for internal floating roof tanks with secondary seals.

The commission determines that in accordance with the tables shown in §115.112, when an internal floating roof is required to comply with §115.112(a)(1), a secondary seal is not

required for compliance. Therefore, since the secondary seal is not required, the facility is not required to comply with §115.112(a)(2)(F). The facility is required to comply with §115.114(a)(1) only with respect to the internal floating roof and the primary seal requirements. Affects the permit table in §122.515(c)(4).

9. Determination of applicability of §115.116(a) and (b)(1) when claiming the exemptions in §115.117(a) and (b)(1).

The commission determines that the monitoring and recordkeeping requirements of §115.116(a)(1) and §115.116(b)(1) both mandate that the exempted sources maintain records for the type of VOC stored and the average monthly true vapor pressure of the stored liquid. This includes sources which meet the exemption, but contain liquids with true vapor pressures greater than 1.0 pounds per square inch absolute. Affects the permit tables in §§122.511(c)(4); 122.512(c)(4); and 122.515(c)(4) and (5).

10. Determination of applicability of secondary seal requirements for external floating roof tanks storing waxy, high pour point crude oil.

The commission determines that if a storage tank meets the exemption in §115.117(a)(5) for external floating roof tanks storing waxy, high pour point crude oil and the compound in the storage tank is not changed to a non-exempt compound, the storage tank would not be required to have a secondary seal of any kind. Affects the permit table in §122.515(c)(4) and (5).

11. Determination of whether “gun barrels” should be classified as tanks or VOC water separators.

The commission determines that gun barrels should be considered as water separators and are subject to the water separation rules stated in §§115.131-115.139. In rare situations, a gun barrel may perform the storage of VOC containing liquids. If a gun barrel is used in this manner, then it should be considered a storage tank or container and would then be subject to the Storage of VOC rules stated in §§115.112-115.119. Affects the permit tables in §§122.511(c)(4) and (17); 122.512(c)(4) and (15); 122.513(c)(4) and (15); and 122.515(c)(13), (14), and (15).

12. Determination of applicability of §111.111(a)(1)(B) for vents with multiple sources.

The commission determines that a stationary vent with multiple sources of which at least *one* source was constructed after January 31, 1972, the vent is subject to §111.111(a)(1)(B). If *all* of the sources routed to the vent were constructed on or before January 31, 1972, then the vent is subject to §111.111(a)(1)(A). Please note that a vent could be subject to §111.111(a)(1)(C) based upon the flowrate. Affects the permit table in §122.511(c)(12).

13. Determination of applicability of §115.214(a)(3) when claiming the exemption in §115.217(a)(5).

The commission determines that §115.214(a)(3) is applicable whenever the exemption under §115.217(a)(5) is also applicable. Affects the permit table in §122.515(c)(4).

14. Determination of the definition of a VOC process vent for use in determining the applicability of §§115.121-115.129, relating to the undesignated head Vent Gas Control.

The commission determines that if a vent originates from or is associated with an operation that can be defined as a process, then it is a "process vent." Examples of process vents in the oil and gas industry would include any vent originating from or associated with oil/gas processing or treatment equipment. This could include, but is not limited to, vent streams from glycol dehydrators, wastewater treatment equipment, or any other equipment containing VOCs such as crude oil or natural gas with non-methane, non-ethane components. Affects the permit tables in §§122.511(c)(13); 122.512(c)(12); 122.513(c)(12); and 122.515(c)(18), (19), and (20).

15. Determination of whether a vent on a VOC water separator should be considered a VOC process vent for purposes of determining applicability of 30 TAC Chapter 115.

The commission determines that emissions from VOC water separators are subject to the Water Separation rules stated in §§115.131-115.139 and are not subject to the Vent Gas Rules stated in §§115.121-115.129. If a VOC water separator is exempted from the Water Separation rules, it is not subject to the Vent Gas Control rules. Affects the permit tables in §§122.511(c)(13); 122.512(c)(12); and 122.513(c)(12).

16. Determination of the requirements (including 30 TAC Chapter 111) for flares used only for emergencies and/or upsets.

The commission determines that there are no requirements in Chapter 111 that are applicable to flares used *only* during emergency or upset conditions. Affects the permit table in §122.511(c)(12) and §122.515(c)(8).

17. Determination of whether the alternative standards in 40 CFR, §60.483-1 and §60.483-2 are allowed for all valves, or only for valves in gas/vapor or light liquid service.

The commission determines that unless the EPA has determined that some other emissions limitation is equivalent to §60.482-8 pursuant to §60.482-1 and §60.484, valves in heavy liquid service are always required to comply with §60.482-8, and that in general, the provisions of §60.483-1 or §60.483-2 may not be substituted for the standards in §60.482-8, except where the standards are identical. (Both §60.482-8 and §60.483 use the same Method 21 procedure for monitoring and the same time limits for leak repairs. They only differ in that no systematic Method 21 monitoring is required for §60.482-8, unless a leak becomes apparent.) In summary, unless the EPA has granted an equivalency determination for some other form of control, whenever it is noticed that a valve in heavy liquid service is potentially leaking, the valve must be monitored and repaired (if necessary), as outlined in §60.482-8. A facility may not delay the monitoring/repair until the next scheduled monitoring period as would be

permitted by §60.483 unless EPA has approved the §60.483 standards as equivalent to §60.482-8. Affects the permit table in §122.511(c)(6).

18. Determination of the requirements under 40 CFR 60, Subpart LLL for gas sweetening units with a design capacity of greater than or equal to 2.0 long tons per day (LTPD), but less than 2.0 LTPD *actual* sulfur feed rate.

The commission determines that any unit regardless of design capacity which commenced construction or modification after January 20, 1984, has to comply with 40 CFR 60, Subpart LLL. Units with a design capacity  $\geq 2.0$  LTPD must comply with applicable monitoring, testing, recordkeeping, and reporting requirements stated in 40 CFR 60, Subpart LLL. Subpart LLL does not differentiate according to operating capacity, and exemptions from control requirements are based upon design capacity. Tables 1 and 2 in §60.642 are to be utilized to determine the minimum sulfur dioxide (SO<sub>2</sub>) emission reduction efficiency, and these tables deal only with units that have a sulfur feed rate  $\geq 2.0$  LTPD. Hence, it is not feasible to calculate the efficiency for units with actual operating capacity  $< 2.0$  LTPD from these tables. For facilities that have a design capacity  $\geq 2.0$  LTPD, but have an actual feed rate of  $< 2.0$  LTPD, there exists two alternative methods for demonstrating compliance with Subpart LLL. The first method requires a facility to limit its sulfur feed rate in a Title V federal operating permit and make this limit federally enforceable. Sulfur feed rates shall be *monitored* and *recorded monthly* to demonstrate that the unit is operating at  $< 2.0$  LTPD. The second method requires an owner or operator to physically change the design capacity of the gas sweetening

unit to <2.0 LTPD (e.g., putting a flow restrictor into the inlet of the gas sweetening unit) and demonstrate that their new design capacity is <2.0 LTPD. In this case, the only requirement will be §60.647(c); there will be no other monitoring or recordkeeping requirements. Affects the permit table in §122.511(c)(5).

19. Determination of whether water injection and steam injection are considered different NO<sub>x</sub> control methods under 40 CFR 60, Subpart GG, or if the terms are used interchangeably.

The commission determines that the use of the terms “water injection” and “steam injection” can be considered to be interchangeable in the regulations and have the same meaning. Affects the permit table in §122.511(c)(1).

20. Determination of the meaning of the exemption stated in 40 CFR 60, Subpart GG in §60.332(j).

The commission determines that when this regulation was promulgated in 1977, it did not cover non-utility stationary gas turbines greater than 100 million British thermal units per hour (MMBtu/hr). Section 60.332(j) was added to Subpart GG on January 27, 1982, as a result of an industry petition for a proposal to reconsider NO<sub>x</sub> limits on large stationary gas turbines. This proposal resulted in an amendment (adding new §60.332(j)) which specifically exempted units from the NO<sub>x</sub> emission limits stated in §60.332(a) for all units that were constructed, modified, or reconstructed during the period from October 3, 1977 to January 27, 1982 AND

were required in the September 10, 1979, issue of the Federal Register (44 FR 52792) to comply with §60.332(a)(1). Affects the permit table in §122.511(c)(1).

21. Determination of whether an incinerator may be defined as a furnace, and under what circumstances. Title 30, Texas Administrative Code, Chapter 112 (30 TAC Chapter 112) impacts.

General Operating Permit rules have been revised to exclude furnaces burning liquid fuel and as a result, this question became irrelevant for the purpose of General Operating Permits rulemaking. However, the commission will resolve this issue at a later date through the commission's Rule Interpretation Team established by the commission to address these kinds of issues.

22. Determination of any other NO<sub>x</sub> requirements (e.g., monitoring, testing, etc.) or sulfur dioxide requirements for turbines in which 40 CFR 60, Subpart GG applies, but are exempt from a NO<sub>x</sub> standard in §60.332(a).

Note: This issue was clarified and combined with issue number 2. Affects the permit table in §122.511(c)(1).

23. Determination of the definition of a natural gas processing plant as it relates to 40 CFR 60, Subpart KKK.

The interpretation is withdrawn. The commission is reconsidering the use of the phrase “natural gas processing plant” and of the term “extraction” to clarify how 40 CFR 60, Subpart KKK applies to emission units associated with the natural gas production industry.

24. Determination of applicability of §112.7 when combusting a sulfur recovery unit’s waste gas stream.

The commission determines that §112.7 would still apply when combusting a waste gas stream from the sulfur recovery unit. Affects the permit table in §122.511(c)(11).

25. Determination of whether gas sweetening units located in marshes or bays are considered a part of the territorial seas or not for purposes of determining 40 CFR 60, Subpart LLL applicability.

The commission determines that 40 CFR 60, §60.640 and §60.641 specify that Subpart LLL applies to all facilities not located in the territorial seas or outer continental shelf; therefore, units located landward of the territorial seas baseline *would* be subject to the regulation. In other words, facilities located inland of "the low-water line along the coast" would be subject to Subpart LLL. This would apply to units located in marshes or on wetlands. Generally, units located on the landward side of the "line joining the low-water marks of its natural entrance points" of bays would also be subject to regulation under Subpart LLL. Units located seaward of this line would be considered to be located in the territorial seas and would thus be exempt from this Subpart. Applicability of Subpart LLL to specific units located on or near bays can

be ascertained by examining navigation charts to determine the exact location of the territorial seas baseline. Therefore, if the unit is located seaward of the baseline, it would be exempt from Subpart LLL, and if it is landward, it would *not* be exempt. Units located more than nine nautical miles from the coast would also be exempt. Affects the permit tables in §122.511(c)(5) and (10).

26. Determination of whether a glycol dehydrator firebox that burns reboiler exhaust can be considered both a process heater and a control device.

Note: this request was clarified to determine if a glycol dehydrator reboiler which fires with liquid fuel; and routes its still vent emissions (which contain VOCs such as benzene, toluene, ethyl benzene, xylene, etc.) back to its firebox is considered both a control device for purposes of meeting 30 TAC Chapter 115 Vent Gas Control requirements AND a process heater with SO<sub>2</sub> requirements.

The commission determines that the glycol dehydrator reboiler which uses its still vent emissions along with liquid fuel to fire its firebox can be considered both a process heater and a control device and is subject to §112.2 (Compliance, Reporting, and Recordkeeping), §112.9 (Allowable Emission Rates - Combustion of Liquid Fuel), and §§115.121-115.129 (Vent Gas Control). Affects the permit tables in §§122.511(c)(13), 122.512(c)(12), and 122.513(c)(12).

27. Determination of whether the construction date described in 40 CFR 60, Subpart GG in §60.330(b) is the manufactured date of the turbine or the installation of the turbine at the site.

The commission determines that per §60.330(b), October 3, 1977, refers to the date which construction, modification, or reconstruction of a stationary gas turbine commenced.

Commenced means that an owner or operator has undertaken a continuous program of construction or modification or they have entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. The staff consulted with the EPA staff from the EPA regional office in Dallas (EPA Region 6). The EPA staff concurred with this interpretation, and further indicated that the commencement date also refers to the date when a construction contract or purchase order (a contractual obligation) is signed by the affected parties.

For the purpose of determining the applicability of 40 CFR 60, Subpart GG, the construction date is interpreted to mean the earlier of either: the fabrication, erection, or installation of an affected facility; or the date upon which a contractual obligation, such as a construction contract or a purchase order, is entered into by both affected parties. Per EPA's comments, dated July 18, 1996, on the General Operating Permits rule proposal, the date of manufacture is usually not used for defining the "construction" date for determining the applicability date of Subpart GG. The exception is when a manufacturer puts his own gas turbine into use. The manufacturer can then be defined as a Subpart GG owner or operator, as long as the turbine manufacture date is past the Subpart GG applicability date and all other Subpart GG

applicability criteria have been met. Regarding installation, it is important to note that §60.14(e)(6) states that the relocation of an existing facility shall not, by itself, be considered a modification. Affects the permit table in §122.511(c)(1).

28. Determination of applicability of §115.116(a)(1) and (b)(1) for external floating roof tanks not required by 30 TAC Chapter 115 to install control devices.

Note: this request was clarified to determine if a tank equipped with an external floating roof by choice (i.e., not required by 30 TAC Chapter 115) which also meets the criteria in §115.116(a)(1) or §115.116(b)(1), (i.e., meets the secondary seal exemption) is required to keep the records stated in those two citations.

The commission determines that the recordkeeping requirements of §115.116(a)(1) and (b)(1) would not be applicable for a VOC, which is not required to be stored in a tank with a floating roof to meet the emission control requirements of §115.112, but is equipped with an external floating roof by choice. If a liquid VOC is placed in such a tank, which has a better emission control system than required by §115.112 relating to Control Requirements, the recordkeeping requirements are determined by the applicable control system required for the liquid, as stated in §115.112, and not by the control system installed on the tank. Affects the permit tables in §122.515(c)(4) and (5).

29. Determination of applicability of §112.9(b) when §112.9(c) applies.

The commission determines that since §112.9(b) is not listed as a paragraph under §112.9(a), it carries the same weight as all other subsections. Thus, it should be applied to all of the standards listed within §112.9, including §112.9(c). Affects the permit table in §122.511(c)(11).

30. Determination of applicability of §115.114(b)(2)-(4) for tanks with external floating roofs not required to have secondary seals.

The commission determines that secondary seal inspection rules are not applicable for the category of tanks in question because there is no requirement for having secondary seals. Affects the permit table in §122.515(c)(5).

31. Determination of the meaning of the phrase "as appropriate" in the testing citations in §111.111(a)(1)(F), (7)(B), and (8)(B).

The commission determines that the phrase "as appropriate" means that the owner or operator of an affected source can use any of the listed test methods to show compliance with the requirements, depending on whichever test method is applicable for that particular source. Affects the permit table in §122.511(c)(12).

32. Determination of the applicability of the surface coating requirements in 30 TAC Chapter 115 to maintenance painting activities and the coating of miscellaneous metal parts and products.

The commission determines that surface coating operations performed on in-place and on-site equipments are classified as "maintenance coating" operations, and are not subject to the surface coating regulations in 30 TAC Chapter 115. The commission also determines that if the surface coating operations are performed at a central location, like an on-site building, then the coating operations cannot be classified as "maintenance coating" operations. Therefore, the miscellaneous parts coating, performed at an on-site maintenance building, is subject to the surface coating regulations in 30 TAC Chapter 115. Does not affect any table, since this is a site-wide provision.

Five additional issues were also brought to the attention of the commission in order to clarify the applicability of the regulatory requirements. The issues and their final determinations are as follows.

33. Citation 40 CFR, §60.115b(b) makes a reference to citation Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in §61.112b(a)(2) for control devices. Should the reference be §60.112b(a)(2)?

The commission determines that citation 40 CFR, §60.115b(b) makes reference to citation 40 CFR, §61.112b(a)(2) for control devices. The reference should be 40 CFR, §60.112b(a)(2).

34. Citation 40 CFR, §60.115b(a)(4) makes a reference to 40 CFR, §61.112b(a)(1) for control devices. Should the reference be 40 CFR, §60.112b(a)(1)?

The commission determines that citation 40 CFR, §60.115b(a)(4) makes reference to citation 40 CFR, §61.112b(a)(1) for control devices. The reference should be 40 CFR, §60.112b(a)(1).

35. Citation 40 CFR, §60.334(c)(3) makes a reference to the ice fog exemption in 40 CFR, §60.332(g). Should the reference be 40 CFR, §60.332(f)?

The commission determines that citation 40 CFR, §60.334(f)(1) makes reference to the ice fog exemption in 40 CFR, §60.332(g). The reference should be 40 CFR, §60.332(f).

36. Citation 40 CFR, §60.335(f)(1) makes a reference to the equation in 40 CFR, §60.335(b)(1). Should the reference be 40 CFR, §60.335(c)(1)?

The commission determines that citation 40 CFR, §60.335(f)(1) makes reference to the equation in 40 CFR, §60.335(b)(1). The reference should be 40 CFR, §60.335(c)(1).

37. Determination as to whether the “non-dedicated loading lines” that are referenced in §115.217(a)(10)(D) pertain *only* to marine terminals, or to *any* non-dedicated loading line.

The commission determines that the “non-dedicated loading lines” referenced in §115.217(a)(10)(D) pertain *only* to marine terminals, and not to just any non-dedicated loading lines.

The commission has prepared a Takings Impact Assessment for this rule proposal pursuant to Texas Government Code, §2007.043. The purpose of this rulemaking is to provide affected persons with an alternate permitting mechanism to achieve compliance with 30 TAC Chapter 122. These rules will substantially advance this specific purpose because they will codify the General Operating Permits which may be used by the applicants who are required to submit an operating permit. The promulgation and enforcement of these rules will not burden private real property, and this rulemaking proposal is also an exempt action pursuant to Texas Government Code, §2007.003(b)(4), since the commission is fulfilling its requirement to implement a federal mandate (Title V of the 1990 Federal Clean Air Act Amendments).

A total of five interested parties submitted written testimony on the proposal. Texas Mid-Continent Oil and Gas Association (TMOGA) strongly supported the intent of the proposed revisions, but suggested changes and clarifications. The Association of Texas Intrastate Natural Gas Pipelines and the Gas Processors Association (ATINGP/GPA) supported the intent of the proposed revisions and also voiced support of TMOGA's comments. The United States Environmental Protection Agency (EPA) submitted comments on the proposal and items of concern that it suggested be addressed in the public record, but did not indicate support or opposition to the proposal. Natural Gas Pipeline of America (NGPA) requested an extension of the public comment period, but did not indicate support or opposition to the proposal. An individual suggested changes to the underlying requirements codified in the General Operating Permits, mainly in the interest of helping ozone nonattainment areas reach attainment status. In addition to the written comments, one interested party submitted oral testimony

for an option to the requirement of using certified opacity readers at a site to determine compliance with opacity limits.

The comments and their responses are divided into seven sections to provide some structure for the analysis of testimony.

**Comments in General.** An individual requested the use of Method 22 under certain conditions as an acceptable alternative to using Method 9.

**At present, there is no allowance in Chapter 111 for this proposed option as made by the commenter. Other than the continuous opacity monitor and Light Detection and Ranging methods as allowed to determine compliance for §111.111(a)(1)(A), (B), and (C), only Test Method 9 or an alternative that has been approved by both the executive director of the commission and the Administrator of the EPA are the current options available to sources affected by §111.111 in order to determine compliance. An approval of a §111.111(a)(1)(F) request by the executive director of the commission may entail either case-by-case determinations, which are not suitable for inclusion in the General Operating Permits, or source category specific determinations (e.g., natural gas fired engines and gas turbines) which may be included in the General Operating Permits at a later date through a separate rulemaking. Another approach would be to amend §111.111(a)(1)(F) to allow for this proposal, which would then require a separate rulemaking for General Operating Permits to implement this newly promulgated requirement. The presence of visible emissions does not necessarily mean that the process is in an upset condition, as the**

**commenter proposes. Although this is frequently true, it may not always be a correct presumption in all possible cases. Therefore, the commission cannot accept this proposal at this time during this rulemaking.**

**In additional background information submitted by the commenter, the commenter is correct in saying that the existing applicable requirements that are being codified in the General Operating Permits do not require a source-supplied certified observer to be on-site. In the past, it has been the commission's burden to determine noncompliance, and not the owner's or operator's of the source to determine compliance with the applicable requirements. However, compliance with opacity requirements contained in §111.111(a)(1) will require an initial and ongoing demonstration of compliance to be performed using one of the methods listed in §111.111(a)(1)(F) by the owner or operator of the source affected by the Texas Federal Operating Permits Program.**

The Association of Texas Intrastate Natural Gas Pipelines and the Gas Processors Association (ATINGP/GPA) supported the commission's efforts in lessening operating permits' requirements for interim program sources, and supported the comments of the Texas Mid-Continent Oil and Gas Association (TMOGA).

**The commission acknowledges the support of the TMOGA comments declared by these two trade associations.**

It is the EPA's position that Minor New Source Review (MNSR) is an applicable requirement. While the exclusion of certain MNSR provisions may be allowed under interim approval of the program, the State will be required to revise the program as specified in the June 25, 1996, Federal Register notice. At that time, each of the general operating permits will need to be revised to include MNSR as an applicable requirement.

**The commission is continuing to work with EPA on resolution of this issue and will address the MNSR requirements for approval of the full program.**

Since past noncompliance may be discovered by the applicant during the application process, EPA requested that the State clarify, for the public record, that past noncompliance should be rectified.

**All emission units shall be in compliance with their applicable requirements at the time of application as per the qualification criteria in subsection (a)(3) of each proposed General Operating Permit.**

EPA requested that the commission add a provision to the general operating permit conditions that requires the permittee to reapply for the general operating permit every five years, as per §70.6(d).

**The commission is continuing to work with EPA on resolution of this issue and will address the General Operating Permit five-year renewal requirements for approval of the full program.**

EPA stated that pursuant to §70.6(a)(3) and §122.145(b)(2), periodic monitoring requirements need to be required where there are no monitoring or periodic testing requirements currently in existence.

**The commission is continuing to work with EPA on resolution of this issue and will address the periodic monitoring requirements for approval of the full program. Until the commission adopts, through rulemaking, a version of Title 40, Code of Federal Regulations, Part 64 (the Compliance Assurance Monitoring rule), the applicant will use the monitoring, testing, recordkeeping, and reporting requirements contained in the applicable requirements for the individual unit and will use good engineering practice to maintain the site and equipment in good working order and operating properly during normal facility operations to meet the periodic monitoring requirements of 30 TAC Chapter 122.**

TMOGA stated that it is a trade association representing all segments of the oil and gas industry in Texas. TMOGA has more than 2,000 members, including 50 of the state's largest energy companies. Its members account for more than 90% of all oil and gas production in Texas and for approximately 95% of the refining capacity in Texas. TMOGA added that it appreciates the opportunity to comment.

**The commission acknowledges the position that TMOGA has in its representation of a significant number of sources affected by the Texas Title V Federal Operating Permits Program.**

TMOGA strongly supported the promulgation of these permits and TNRCC's efforts in developing them in a timely manner with industry input.

**The commission appreciates the opportunity to work with TMOGA and realizes the importance of the benefit that the General Operating Permits will play in the regulated community's ability to comply with the Texas Interim Federal Operating Permits Program.**

TMOGA believes that this general permit incorporates all Title V applicable requirements (except as otherwise noted in these comments) and requested the following clarification from the TNRCC. Does TNRCC intend for noncompliance with an unintentional omission to be a Title V violation? If so, industry proposed that the proper remedy would be to revise the general permit(s) to incorporate unintentional omissions as expeditiously as possible. While noncompliance with an applicable requirement cannot be exempt from enforcement by the agency, noncompliance with unintentional omissions should not be considered a Title V violation and carry Title V penalties.

**In order to obtain and maintain authorization for a site to operate, all applicable requirements must be codified in an operating permit. (If the General Operating Permit does not include all applicable requirements against a unit(s), that unit(s) shall be required to apply to be covered by another federal operating permit.)**

**Sections 122.231 and 122.233 also address situations in which the permit may be reopened and the procedures that reopening must follow if there were any new applicable requirements that become applicable, if there was a material mistake in the permit, or if there were inaccurate statements made in establishing the emissions standards or other terms and conditions of the permit. If there**

**are any omissions of applicable requirements from the General Operating Permit, the commission will work expeditiously to codify these missing requirements.**

TMOGA stated that neither the preamble nor the permits themselves address the applicability of these permits to sites located in state waters under the jurisdiction of TNRCC. Absent any information to the contrary, industry assumes that these permits will be applicable to those sites and requested TNRCC to confirm this in the response to comments.

**The commission agrees with the comment. The commission's position is that major sources of emissions that lie in the territorial waters of the State of Texas are subject to the requirements of 30 TAC Chapter 122. In addition, major sources in State waters are subject to the same qualification criteria as any other major source requesting authority to operate under a General Operating Permit.**

TMOGA stated that these permits are proposed for promulgation in a new Subchapter F in 30 TAC Chapter 122, as permits by rule. Chapter 122, in §122.202(b), refers to a General Permit List which shall be filed in the Secretary of State's Office. This situation is somewhat akin to the treatment of the current standard exemption list. Chapter 122 does not appear to anticipate permits by rule. Absent a clear linkage, industry is concerned that these permits will have no clear legal meaning because they do not--on their face--state that they are the alternatives to site operating permits described in §122.202. Industry requested that the commission address, in the response to comments, its understanding of the legal meaning of these permits.

**The commission has legal authority to issue General Operating Permits. Qualifications for a General Operating Permit must satisfy the requirements for site operating permits and are, therefore, a suitable and acceptable alternative and satisfy the requirement to operate with a Title V permit implemented through 30 TAC Chapter 122.**

Natural Gas Pipeline of America (NGPA) requested an extension of the comment period due to the complexity of the proposed rule.

**Industry has been integrally involved throughout the development of the General Operating Permits. Additional time for the comment period was already included in the setting of the July 19, 1996, close of comment period deadline, and any delays in the adoption of the rule proposal would not be beneficial for the agency or the regulated community. The request is respectfully denied as a result.**

**Comments on the Preamble's Interpretations.** EPA confirmed that the following preliminary determinations made by the commission are acceptable: issue numbers 1, 2, 3, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 22, 25, 26, 28, 29, 30, 31, and 32.

**The commission appreciates the opportunity to clarify these issues with the assistance of EPA input.**

EPA stated that the preliminary determination for issue number 4 by the commission is acceptable, as long as the depressurization of the compressor really is an infrequent maintenance activity.

**The commission agrees with the commenter. If depressurization of a compressor is done for start-up, shutdown, or maintenance purposes in accordance with §101.7, the depressurization would be exempt from §§115.121-115.125. Notification is submitted through the appropriate TNRCC regional office and to local air pollution control agencies (as applicable).**

EPA stated that for the preliminary determination for issue number 5, a typical flare, as described, would not be a direct-flame incinerator.

**The final determination has been modified to address EPA's comments.**

EPA stated that the preliminary determination for issue number 7 is acceptable, except that the exemptions listed in §115.137(a)(3) and (c)(4) have not yet been approved by the EPA. EPA intends to approve these regulations by the end of 1997.

**The commission is aware that these citations have not been approved as part of the State Implementation Plan (SIP). The commission will retain the codification of the exemptions in the General Operating Permits with the understanding that the EPA may not approve the exemptions as part of the SIP.**

EPA requested that the commission clarify that for issue number 12, sources which have an exhaust gas flow rate greater than 100,000 actual cubic feet per minute (acfm) are subject to §111.111(a)(1)(C).

**The sources that are subject to §111.111(a)(1)(C) which have exhaust gas flowrates greater than 100,000 acfm have the applicable requirements codified for them in §122.511(c)(10), §122.512(c)(9), §122.513(c)(9), §122.514(c)(8), and §122.515(c)(8). These permit tables list the §111.111(a)(1)(C) requirements.**

EPA stated that the preliminary determination for issue number 18 is not in accordance with 40 CFR 60, Subpart LLL, specifically §60.640(b). EPA declared that the owner or operator of such a source would still be required to meet the sulfur dioxide reduction efficiencies listed in §60.642(a) and (b).

**The commission agrees with the EPA's comments. The final determination has been modified to address EPA's concerns. Any unit, regardless of design capacity, which commenced construction or modification after January 20, 1984, has to comply with 40 CFR 60, Subpart LLL per the rule language in §60.640(a). Units with a design capacity  $\geq 2.0$  long tons per day LTPD shall comply with applicable monitoring, testing, recordkeeping, and reporting requirements stated in Subpart LLL. Subpart LLL does not differentiate according to operating capacity, and exemptions from control requirements are based upon design capacity.**

**Certification requirements are identified in §60.647(c). However, the rule discusses certification requirements for units with design capacity  $< 2.0$  LTPD, not for units that are operating with a**

**capacity of <2.0 LTPD. Units with a design capacity of  $\geq 2.0$  LTPD, but operating with a capacity of <2.0 LTPD, must comply with applicable monitoring, testing, recordkeeping, and reporting requirements stated in Subpart LLL. However, the facility may establish a federally enforceable operating capacity by one of the following two options.**

**Option 1. The facility may limit its sulfur feed rate in a Title V federal operating permit and make this limit federally enforceable. There will be monitoring and recordkeeping requirements placed into the permit to ensure compliance with the federally enforceable sulfur feed rate.**

**Option 2. An owner or operator may physically change the design capacity of a gas sweetening to <2.0 LTPD (e.g., putting a flow restrictor into the inlet of the gas sweetening unit) and demonstrate that the new design capacity is <2.0 LTPD. In that case, the only requirement will be §60.647(c) and there will be no other monitoring or recordkeeping requirements.**

For issue number 21, EPA questioned if the exemption should only be available for those incinerators which are not associated with any of the units regulated by Chapter 112. Even if not, EPA asked if the incinerator should be subject to §112.3 and §112.4 for net ground level effects.

**The final determination addresses EPA's comment. Please refer to the final determination for issue number 21 for further clarification. In addition, net ground level effects are not applicable requirements for the Texas Federal Operating Permits Program as defined in §122.10 and would not need to be codified in the General Operating Permit.**

For issue number 23, EPA stated that the preliminary determination is not in accordance with 40 CFR 60, Subpart KKK, specifically §60.630 and §60.631. EPA declared that the applicability of natural gas liquid extraction facilities located at an onshore natural gas processing plant subject to Subpart KKK is not dependent on the location, as long as the extraction facilities are located “onshore” as defined in §60.631.

**The commission is in the process of developing a clear interpretation and has taken the comment into evaluation for this topic.**

EPA questioned if the preliminary determination for issue number 24 contradicted issue number 21, and asked if these units are exempt from Chapter 112 in the determination for issue number 21.

**Based upon the final determination for issue number 21 (addressing whether an incinerator may be defined as a furnace and under what circumstances), the determination for issue number 24 (pertaining to the determination of the applicability of §112.7 when combusting a sulfur recovery unit’s waste gas stream) does not contradict the determination for issue number 21.**

EPA stated that the preliminary determination for issue number 27 is acceptable. However, EPA stated that a clarification of the construction date is needed and provided guidance on this issue. EPA also provided guidance concerning 40 CFR 60, Subpart GG as it relates to gas turbine manufacturers.

**The commission agrees with the comment. The final determination has been revised based on EPA's comments on the General Operating Permits rulemaking. Per §60.330(b) of Subpart GG, the date October 3, 1977, refers to the date which construction, modification, or reconstruction of a stationary gas turbine commenced.**

**Commenced means that an owner or operator has undertaken a continuous program of construction or modification or have entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. The commission consulted with the staff from the EPA regional office in Dallas (EPA Region 6). The EPA concurred with this interpretation, and further indicated that the commencement date also refers to the date when a construction contract or purchase order (a contractual obligation) is signed by the affected parties.**

**For the purpose of determining the applicability of Subpart GG, the construction date is interpreted to mean the earlier of: the fabrication, erection, or installation of an affected facility; or the date upon which a contractual obligation, such as a construction contract or a purchase order, is entered into by both affected parties.**

**Per EPA's comment on the General Operating Permits rule proposal, the date of manufacture is usually not used for defining the "construction" date for determining the applicability date of Subpart GG. The exception concerning gas turbine manufacturers that EPA mentioned is not**

**relevant to this rulemaking, because gas turbine manufacturers are not allowed to use General Operating Permits.**

TMOGA commented that interpretation number 4 is too narrowly focused. The blowdown of compressors was not the only activity of concern that industry representatives noted during work sessions to develop these general permits. TMOGA suggested language to revise the interpretation.

**The final interpretation only addressed the issue of compressor depressurization. A broad request of this nature is difficult to answer with specific guidance, and generalities would only cause confusion in the regulated community; therefore, case-by-case determinations on issues concerning maintenance or upset condition activities must be made individually. If TMOGA would like an interpretation of applicability for other *specific* activities which occur during maintenance or upset conditions, then it may make a request to the commission to address these kinds of issues.**

TMOGA commented that interpretation number 5 does not appear to answer the question posed of whether rules that apply to incinerators apply to flares. Industry proposed that the rules should be interpreted such that a flare is not a direct flame incinerator and is not subject to the rules that apply to incinerators.

**The final determination agrees with TMOGA's comment. Please refer to the final determination for issue number 5.**

TMOGA commented that for interpretation number 18, while industry agrees with the interpretation proposed, a conversation with Mr. Jonathan York of EPA on June 3, 1996 (Attachment #1 of TMOGA's comments) indicates that, in addition to the requirements codified in §122.511(c)(5), the owner or operator must certify a lower capacity for the unit if the unit cannot be operated at design capacity. It is highly unlikely that the unit can be operated at design capacity, since the reason for bypassing the sulfur unit that the supply of sour natural gas (which determines the actual sulfur feed rate) is insufficient due to declining gas production or market cutbacks. Therefore, industry recommended that the general permit be revised to include a requirement for recertification in the general provision section in §§122.511-122.514 and industry suggested wording.

Industry recommended citing 40 CFR §60.647(c), since it outlines the requirements for certifying. Since 40 CFR §60.647(c) does not directly apply to this situation (it addresses situations where the original *intended* design capacity is less than 2.0 long tons per day), it is recommended that this citation not be included in the table at §122.511(c)(5), but rather in the general provision section of the permit.

**The commission understands the basis for the TMOGA comment, but disagrees with the requested change. Any unit, regardless of design capacity, which commenced construction or modification after January 20, 1984, has to comply with 40 CFR 60, Subpart LLL per the rule language in §60.640(a). Units with a design capacity  $\geq 2.0$  LTPD shall comply with applicable monitoring, testing, recordkeeping, and reporting requirements stated in Subpart LLL. Subpart LLL does not differentiate according to operating capacity, and exemptions from control requirements are based upon design capacity.**

**Certification requirements are identified in §60.647(c). However, the rule discusses certification requirements for units with design capacity <2.0 LTPD, not for units that are operating with a capacity of <2.0 LTPD. Units with a design capacity of ≥2.0 LTPD but operating with a capacity of <2.0 LTPD, must comply with applicable monitoring, testing, recordkeeping, and reporting requirements stated in Subpart LLL. However, the facility may establish a federally enforceable operating capacity by one of the following two options.**

**Option 1. The facility may limit its sulfur feed rate in a Title V federal operating permit and make this limit federally enforceable. There will be monitoring and recordkeeping requirements placed into the permit to ensure compliance with the federally enforceable sulfur feed rate.**

**Option 2. An owner or operator may physically change the design capacity of a gas sweetening to <2.0 LTPD (e.g., putting a flow restrictor into the inlet of the gas sweetening unit) and demonstrate that the new design capacity is <2.0 LTPD. In that case, the only requirement will be §60.647(c) and there will be no other monitoring or recordkeeping requirements.**

TMOGA commented that for interpretation number 20, based on the preamble to the EPA final rule regarding New Source Performance Standards (NSPS) for turbines, industry believes that the interpretation presented should be modified to read, "Pipeline turbines located in a Metropolitan Statistical Area and all industrial turbines with heat inputs...." The qualifier "located in a Metropolitan Statistical Area" applies only to pipeline turbines, not to all industrial turbines. At 47 FR 3767, EPA says, "The proposed revision...would have rescinded the NO<sub>x</sub> emission limit...for: (1) industrial gas

turbines having a heat input greater than 107.2 gigajoules per hour (100 million BTU/hr or approximately 7.5 MW); and (2) pipeline gas turbines in metropolitan areas with a heat input greater than 107.2 gigajoules per hour."

Industry respectfully requested that the interpretation and the permit tables in §§122.511(c)(1), 122.512(c)(1), 122.513(c)(1), and 122.514(c)(1) be revised accordingly.

**The commission understands the basis for the TMOGA comment; the final determination has been worded to clarify the preliminary determination, and the permit tables have been revised accordingly.**

TMOGA commented that for interpretation number 23, 40 CFR 60, Subpart KKK, defines a natural gas processing plant (gas plant) as "any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both." Proposed rule interpretation number 23 broadens the Subpart KKK definition of a gas plant so that it could be read to include facilities that are not gas plants.

Proposed rule interpretation number 23 would include in the definition "those sites which remove natural gas liquids from feedstock gas or that separate mixed gas liquids into gas products." The interpretation attempts to clarify that production sites engaged in extraction of liquids without fractionation are not gas plants; however, the interpretation uses terms not in Subpart KKK (such as removal and separation), and uses some terms differently (such as excluding facilities that "extract

without fractionation"). The TNRCC interpretation should conform to, not conflict with, Subpart KKK.

A review of the preamble to Subpart KKK shows that EPA chose to define natural gas processing as extraction and/or fractionation of natural gas liquids. Proposed Subpart KKK defined natural gas processing as "separation," but the agency changed this term to "extraction" in the final regulations in order "to exclude facilities that remove liquids from field gas by means other than a forced process (e.g., gravity or natural condensation)." As additional support, the TNRCC bulletin board contains prior rule interpretations, including one dated June 25, 1985, from Sam Crowther that states "please do not regard an oil and gas production separator or a tank battery as a gas processing plant subject to Subpart KKK."

The correct rule interpretation is that a natural gas processing plant as it relates to 40 CFR 60, Subpart KKK is any processing site engaged in the extraction of natural liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both, and excludes facilities that remove liquids from field gas by means other than a forced process (e.g., excludes gravity or natural condensation).

**The commission is in the process of developing a clear interpretation and has taken the comment into evaluation for this topic.**

TMOGA commented that interpretation number 26 infers that unapproved alternative means of compliance might be permitted in the General Operating Permit. Such an action is specifically

precluded under the Qualification Criteria in subsection (a)(2) of each of the five proposed permits.

However, alternative control methods for vent gas control are allowed by §115.123 and do not require Executive Director approval if they meet the required efficiency criteria specified in §115.122.

Therefore, TMOGA suggested that this interpretation should be revised.

**The commission agrees with the comment. The final determination has incorporated this clarification and refers to the Vent Gas Control rules in §§115.121-115.129, which include the alternative control requirements of §115.123.**

TMOGA commented that it disagrees with interpretation number 27, since it suggests that a turbine which predates NSPS and is relocated ("installed on-site") but not modified, could become subject to NSPS. This conflicts with 40 CFR §60.14(e)(6), which states that "the relocation or change in ownership of an existing facility" shall not, by itself be considered a modification and therefore subject to NSPS. In addition, EPA issued an opinion dated April 15, 1980, by Edward E. Reich (Attachment #2 of TMOGA's comments) in response to the following question: "At what point in time will NSPS regulations apply to sources such as prefabricated internal combustion engines, where the source, after being manufactured, may lie on the shelf before being bought and used"?

EPA's response was: ". . .the initial owner/operator is considered to be the original manufacturer, since it is the manufacturer rather than the ultimate user who is responsible for construction of the engines. The regulation will apply to internal combustion engines for which construction commences on or after the effective date of the regulations."

The only exception to this interpretation of which TMOGA is aware is an EPA interpretation issued April 4, 1978 by Edward E. Reich (Attachment #3 of TMOGA's comments), which states that 40 CFR §60.2(i) allows for the situation in which an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. If the source was constructed after the applicable date of the regulations, but under a contract which commenced prior to that date, the source is not subject to the regulation provided that the primary purpose of the contract was not to circumvent the applicability of NSPS. While the commission's interpretation attempts to capture this exception, TMOGA recommended that it be clarified. Industry respectfully requested that the interpretation be reworded.

**The commission disagrees with the comment. The final determination has been revised based on EPA's comments on the General Operating Permits rulemaking. Per §60.330(b) of Subpart GG, the date October 3, 1977, refers to the date which construction, modification, or reconstruction of a stationary gas turbine commenced.**

**Commenced means that an owner or operator has undertaken a continuous program of construction or modification or has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. The commission consulted with the staff from the EPA regional office in Dallas (EPA Region 6). The EPA concurred with this interpretation, and further indicated that the commencement date also refers to the date when a construction contract or purchase order (a contractual obligation) is signed by the affected parties.**

**For the purpose of determining the applicability of Subpart GG, the construction date is interpreted to mean the earlier of: the fabrication, erection, or installation of an affected facility; or the date upon which a contractual obligation, such as a construction contract or a purchase order, is entered into by both affected parties.**

**Per EPA's comment on the General Operating Permits rule proposal, the date of manufacture is usually not used for defining the "construction" date for determining the applicability date of Subpart GG. The exception that EPA mentioned is not relevant to this rulemaking, because gas turbine manufacturers are not allowed to use General Operating Permits.**

TMOGA also commented that for interpretation number 27, should additional question arise regarding the applicability of NSPS Dc, K, Ka and Kb, which are also codified in these permits, it is clear that the EPA interpretation for internal combustion engines would also apply to steam generators and storage vessels, such that generators or storage vessels that predate NSPS and are simply relocated are not subsequently subject to NSPS.

**The commission understands the basis for the comment. A final determination has been made for the construction date described in 40 CFR 60, Subpart GG in §60.330(b) for issue number 27.**

**Requests may be made to the agency for a rule interpretation of other various 40 CFR 60 Subparts.**

TMOGA requested an additional interpretation: during the work sessions to develop the general permit, industry identified potential confusion in the interpretation of §115.217(a)(10)(D). Informal discussions with agency staff indicated that the intent in promulgating this section was that §115.217(a)(10)(D) only applies to non-dedicated loading lines at marine terminals and not at any other locations. Industry requested that in the commission's response to comments, the agency issue an interpretation that concurs or explains the proper interpretation of this citation.

**The commission addressed this request and made the determination that the “non-dedicated loading lines” referenced in §115.217(a)(10)(D) pertain *only* to marine terminals, and not to just any non-dedicated loading line.**

NGPA stated that the preliminary determinations and permit tables would require NGPA to review and determine applicability to the federal and state standards. NGPA stated that the proposed rule needs to ensure that any additional requirements are federally enforceable to maintain the goal of the general operating permit.

**The commission understands the commenter's position and maintains that meeting the need of federally enforceability for existing and future requirements is a top priority in the development of these General Operating Permits by the commission.**

**Qualification Criteria Comments.** EPA commented that the commission should clarify that the reference in the qualification criteria in subsection (a)(3) in each General Operating Permit to

subsections (b) and (c) requires compliance with all applicable requirements, including preconstruction permits.

**The only preconstruction authorizations that are applicable requirements for the Texas Interim Federal Operating Permits Program are those implementing Nonattainment (NA) and Prevention of Significant Deterioration (PSD) provisions. Units covered by these NA or PSD provisions are not eligible to be covered by the General Operating Permits. A unit covered by an NA or PSD permit will have to apply to be covered by a site operating permit for Title V compliance purposes, and will have to comply with its site operating permit as well as the NA or PSD permit provisions.**

EPA commented that the commission should clarify the qualifier “of this section” in the qualification criteria in subsection (a)(3) in each general operating permit to make it clear that it means “of this permit.”

**For these rules, based on Texas Register guidelines, “of this section” in rulemaking language means “of this permit” in laymen’s terms.**

EPA requested that a more explicit statement of the qualification criteria for boilers and steam generators firing *only* natural gas fuel be made in the qualification criteria concerning these types of emission units.

**The permit tables correctly codified the requirements against boilers and steam generators affected by 40 CFR 60, Subparts Db and Dc. As a result of a separate comment by TMOGA, due to the infrequent firing of liquid fuel in these emission units, the commission is deleting the liquid fuel firing requirements from the appropriate permit tables and revising the qualification criteria to allow *only* natural gas fired boilers and steam generators.**

EPA requested that in the qualification criteria for boilers and steam generators subject to 40 CFR 60, Subparts D, Da, Db, or Dc, the phrase “natural gas” should be restated as “100 percent pipeline quality natural gas” to eliminate mixtures containing other kinds of fuel from the qualification criteria.

**The commission disagrees with the commenter. The definition of natural gas in 40 CFR 60, Subpart Db in §60.41b states, “(1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth’s surface, of which the principal constituent is methane; or (2) liquid petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835-82, ‘Standard Specification for Liquid Petroleum Gases.’” Subpart Dc also uses a similar definition. The definition that EPA proposes is actually more stringent than that used in the qualification criteria, and to retain consistency with the 40 CFR 60, Subparts D, Da, Db, or Dc rules, the qualification criteria’s use of the term “natural gas” will remain the same.**

EPA requested that in the qualification criteria for stationary gas turbines, the phrase “pipeline quality natural gas” should be restated as “100 percent pipeline quality natural gas” to eliminate fuel mixtures

containing other kinds of fuel from the qualification criteria for turbines. EPA also stated that it should made clear that the general permit is not available if fuels and fuel mixtures other than 100% pipeline quality natural gas are fired in the turbine.

**The commission disagrees with this request, since “natural gas” or “pipeline quality natural gas” is not defined in 40 CFR 60, Subpart GG, even though the term “natural gas” is used in the Subpart. In its common usage at pipeline compressor stations and other oil and gas field locations, the two terms “pipeline quality natural gas” and “100 percent pipeline quality natural gas” generally mean the same thing, especially with respect to the fuel sulfur content. Emergency fuels are excluded from being fired in the turbines; the turbines expected to be covered by these General Operating Permits only burn “pipeline quality natural gas,” otherwise they would not be able to meet the testing requirements for sulfur content in the fuel.**

EPA requested that the stationary gas turbine qualification criteria pertaining to gas turbine size criteria be revised to be in a range format to be consistent with the associated permit table (e.g., §122.511(c)(1)). This would make the range format more consistent with the nitrogen oxides emission standard applicability criteria of 40 CFR 60, Subpart GG.

**The commission agrees with the commenter. The qualification criteria relating to stationary gas turbines greater than 100 MMBtu/hr has been deleted, so that the stationary gas turbine size criteria codified in the General Operating Permits are consistent with the regulatory language of 40 CFR 60, Subpart GG.**

EPA requested that the term “reservoir” also be included in the list of allowed devices to be covered by the general operating permit in §122.515, since this emission unit is regulated by 40 CFR 60, Subparts K, Ka, and Kb.

**The commission did not include this term because only tanks, containers, and storage vessels are meant to be covered by this General Operating Permit, since these three terms are the ones in most common usage in the field of air pollution control for these types of emission units at these types of facilities. 40 CFR 60, Subparts K, Ka, and Kb define “storage vessel” and use the term “reservoir” in this definition, although “reservoir” itself is not defined. Chapter 115 does not define “reservoir” either. However, if a bulk fuel storage terminal applying to be covered by a General Operating Permit were to have a “reservoir” as an emission unit, as long as all of its applicable requirements are codified in the General Operating Permit, the inclusion of the unit in the General Operating Permit is allowable, regardless of the term used to describe it.**

An individual requested that in §122.511(a)(4), the tank size of 8,000 gallons (gal) as listed in the qualification criteria be changed to 5,000 gal because of the effects of hydrocarbon emissions on the ozone nonattainment area.

**The qualification criteria in subsection (a) of each proposed section are based on a combination of the applicability thresholds of existing applicable requirements and the exclusion of certain emission units based on the difficulty of codifying all of their potentially applicable requirements without apparent benefit to the regulated community. Since the Texas Federal Operating Permits**

**Program is designed to codify the applicable requirements that apply to the emission units (as defined in §122.10), the revisions suggested by the commenter cannot be made to those applicable requirements through this rulemaking.**

An individual requested that in §122.511(a)(5), the 1,100 tons per year (tpy) threshold for equipment in benzene service as listed in the qualification criteria should be changed to 100 tpy because of the effects of hydrocarbon emissions on the ozone nonattainment area and also since benzene is a carcinogen.

**See the response to the preceding comment on §122.511(a)(4).**

An individual requested that in §122.511(a)(7), the vapor pressure threshold should be changed from 11.0 pounds per square inch absolute (psia) to 7.0 psia to maximize volatile organic compound (VOC) emission reductions in ozone nonattainment areas.

**See the response to the preceding comment on §122.511(a)(4).**

An individual requested that in §122.511(a)(9)(D), (E), and (F), the vapor pressure threshold should be changed to 7.0 psia to maximize VOC emission reductions to lower ozone levels in the Houston ozone nonattainment area.

**See the response to the preceding comment on §122.511(a)(4).**

An individual requested that in §122.511(a)(9)(D), (E), and (F), the tank storage capacity should be lowered to 10,000 gal to maximize VOC emission reductions to lower ozone levels in the Houston ozone nonattainment area.

**See the response to the preceding comment on §122.511(a)(4).**

An individual requested that in §122.511(a)(10)(A), the threshold for the heat input rating for boilers and steam generators should be lowered to reduce nitrogen oxides emissions.

**See the response to the preceding comment on §122.511(a)(4).**

An individual requested that in §122.511(a)(18), all loading of VOCs containing benzene should not be eligible for general operating permits because of the effects of hydrocarbon emissions on the ozone nonattainment area and also since benzene is a carcinogen.

**See the response to the preceding comment on §122.511(a)(4).**

An individual objected to the allowance of surface coating operations at all facilities without meeting a standard exemption in §122.511(a)(19).

**Surface coating operations, as described in §122.511(a)(19), must comply with the exemption criteria as stipulated in §115.427(a)(3)(A) and the recordkeeping requirements per §115.426(a)(4)**

**because of their location in an ozone nonattainment area. As a point of information, Standard Exemption 75 requires that the owner or operator must also be in compliance with the requirements of Chapter 115 in Subchapter E, concerning surface coating processes if the facility is located in an ozone nonattainment area. It must also be noted that Standard Exemptions promulgated as part of 30 TAC Chapter 116 are outside of the scope of this rulemaking.**

TMOGA stated that it fully supports the inclusion of the qualification criteria, although they appear to be lengthy, since they are necessary to keep the permits as streamlined as possible.

**The qualification criteria were established to optimize the inclusion of a large number of emission units which could be covered by the General Operating Permit, while minimizing the complexity of the permit tables. This is why certain qualification criteria, such as the exclusion of solid fuel fired boilers and steam generators from coverage by the General Operating Permit, were stipulated as such. Also, see the response to the eighth comment under the heading addressing Qualification Criteria Comments.**

TMOGA commented that in the preamble, the commission requested comments on §122.511(c)(6) for Process Heaters/Furnaces that fire liquid fuel. TMOGA said that it is rare for operators in their industry to use liquid fuel to fire these units. TMOGA suggested deleting the contents of §122.511(c)(8), §122.512(c)(7), §122.513(c)(7), and §122.514(c)(6) and marking these paragraphs as "reserved" to avoid renumbering the index numbers on subsequent paragraph tables. As a result, TMOGA suggested wording for a qualification criteria to address its concern.

**The commission understands the basis for the comment and has revised the appropriate permit tables and qualification criteria accordingly. It must be noted, though, that the deletion of the requested permit tables did necessitate the renumbering of the subsequent permit tables and their index numbers, since the Texas Register does not allow paragraphs to be “reserved.”**

TMOGA commented that in the preamble, the commission requested comments on §122.511(c)(16) for Boilers/Steam Generators that fire liquid fuel. TMOGA said that it is rare for operators in its industry to use liquid fuel to fire these units. TMOGA suggested deleting the provisions of Chapter 112 from §§122.511(c)(16), 122.512(c)(14), 122.513(c)(14), and 122.514(c)(12) and suggested wording for a qualification criteria to address its concern.

**The commission understands the basis for the comment and has revised the appropriate permit tables and qualification criteria accordingly.**

TMOGA requested that the commission modify the qualification criteria to stipulate that the use of custom fuel monitoring schedules to comply with NSPS GG, as allowed by 40 CFR §60.334(b)(2), not be considered an alternative monitoring method which would disqualify them from using the General Operating Permit. The proposed permits provide only for the custom fuel monitoring schedule proposed in §122.511(b)(13) or a more stringent version. Sources which have already received an EPA approved schedule or are in the approval process should not be disqualified from using the General Operating Permit, nor should they have to modify EPA approved custom schedules that might deviate

slightly from the schedule proposed in this permit. TMOGA suggested that §§122.511(a)(2), 122.512(a)(2), 122.513(a)(2), and 122.514(a)(2) be revised and included its suggested language.

**The commission does not agree that the recommended changes should be made. The custom fuel monitoring schedule that was proposed in June 4, 1996, issue of the Texas Register (21 TexReg 4955) was based on provisions from other custom fuel monitoring schedules that, in the past, have been submitted by industry and authorized by EPA. The revised schedule, as adopted (which includes changes based on EPA's comments), is still reasonable for a unit requesting to be authorized under a General Operating Permit. By the inclusion of this custom fuel monitoring schedule in the proposed rule, the commission fulfilled its obligation to provide the public and EPA with the opportunity to comment. An owner or operator who requests to utilize a custom fuel monitoring schedule that is less stringent than the one included in the adopted sections should include that unit in an application for another type of federal operating permit.**

TMOGA mentioned that it also has concerns about whether the commission possesses the statutory authority to grant sources the permission to conduct custom fuel monitoring. This authority currently seems to reside only with EPA and cannot be delegated by the commission via these general permits. Industry recommended revising proposed §§122.511(b)(13), 122.512(b)(10), 122.513(b)(10), and 122.514(b)(10) and included the suggested language.

**The commission disagrees with making the proposed revisions. The custom fuel monitoring schedule that was proposed in June 4, 1996, issue of the Texas Register rule was accepted by EPA,**

**contingent upon the inclusion of three additional requirements. The commission modified the custom fuel monitoring schedule provisions based on EPA's comments pertaining to initial fuel sampling during startup, fuel supplier information, and fuel sampling requirements after a change in the fuel supply.**

TMOGA stated, as proposed, §§122.511(a)(11)(D), 122.512(a)(11)(D), 122.513(a)(11)(D), and 122.514(a)(8)(D) may lead to confusion in the regulated community. TMOGA recommended language for the sake of clarity.

**The commission disagrees with the commenter because as a matter of convention, each general provision in subsection (b) of each referenced section relating to stationary gas turbines stipulates compliance *only* with §60.333(b). Therefore, the requested qualification is unnecessary.**

TMOGA stated that proposed §122.512(a)(4) and §122.513(a)(4) (prohibiting degassing and cleaning of VOC transport vessels with a capacity greater than 8,000 gallons) should be deleted as the underlying regulation, §§115.541-115.546, is not applicable to the counties covered by these general permits. The regulation is only applicable to the counties covered by proposed §122.511.

**The commission agrees with the commenter and deleted the qualification criteria as suggested.**

TMOGA stated that proposed §122.511(a)(15) should be revised to exclude a reference to §115.121(a)(4) and §115.122(a)(3), since these regulations pertain to bakeries and are not applicable to sources that would use this permit.

**The qualification criteria in §122.511(a)(15) does not reference §115.121(a)(4) and §115.122(a)(3). However, §122.511(a)(16), which relates to process vents, does contain a reference to these two sections. The commission agrees that the requirements of §122.511(a)(16) need to be revised, since emissions from bakeries are not covered in this section; no changes are needed to §122.511(a)(15).**

**General Provision Comments.** EPA stated that it is not clear why emission units subject to 40 CFR 60, Subpart GG shall only comply with §60.333(b). EPA then stated that if a stationary gas turbine is subject to the requirements of Subpart GG, then the owner or operator must comply with all of the requirements of Subpart GG. EPA requested that the public record reflect that the general operating permit address all applicable requirements in Subpart GG for sources subject to Subpart GG.

**The qualification criteria in §122.511(a)(11)(D), *et al*, states that the owner or operator shall not use §60.333(a) as a means to comply with 40 CFR 60, Subpart GG. The general provision in §122.511(b)(12), *et al*, requires the owner or operator to only comply with §60.333(b). The provision in §60.333 states that the owner or operator must comply with either §60.333(a) or §60.333(b). Since the pertinent general provision requires the owner or operator to comply with §60.333(b) and the pertinent qualification criteria states that the owner or operator cannot comply**

**with §60.333(a), the standard in §60.333(a) is not a relevant standard for General Operating Permits purposes. The General Operating Permit, therefore, addresses all of the pertinent applicable requirements contained in Subpart GG.**

EPA requested that the general provision in subsection (b)(2) of each section dealing with major upsets be changed to require that notice of the emergency be sent within two working days. In the event that the State does not make this change during the interim status period, the State would be required to revise the program as specified in the June 25, 1996, Federal Register notice.

**The commission is continuing to work with EPA on resolution of this issue and will address the major upset notification requirements for approval of the full program.**

EPA stated that in the general provisions relating to Title VI, the commission has authority to issue permits that assure compliance with all applicable requirements, *including* Title VI stratospheric ozone conditions. EPA asked that the phrase “enforceable only by the Administrator of the EPA” be deleted from the general provisions of each general operating permit as a result.

**The commission disagrees with the proposed change. Currently, the commission does not have, nor is requesting delegation of, Title VI Stratospheric Ozone Protection. Therefore, Title VI is a requirement that is enforceable *only* by the Administrator of the EPA. Since Title VI is an applicable requirement under the provisions of 30 TAC Chapter 122, a provision addressing it will**

**be included in each General Operating Permit. This provision correctly references EPA's enforceability of the Title VI requirements.**

EPA requested that in the general provisions relating to Title VI, the term "non-motor vehicle air conditioning equipment" be revised to say "non-motor vehicle air conditioning appliances" because the word "equipment" is usually used to designate the devices used to recover the refrigerant, not to designate the devices from which the refrigerant is to be recovered.

**The commission agrees with the commenter and revised the language as suggested.**

EPA requested that in the general provisions relating to Title VI, the phrase "using approved equipment" be added after the phrase "only by properly certified technicians," because the applicable regulations require the equipment to be approved for use using specific procedures.

**The commission agrees with the commenter and revised the language as suggested.**

EPA requested that the commission should clarify for the public record that by the responsible official or designee signing the annual compliance certification includes compliance with the Risk Management Plan requirements specified in the 1990 Federal Clean Air Act Amendments, 112(r).

**The commission agrees with the commenter. When the responsible official or designee signs the annual compliance certification for the Risk Management Plan, it indicates compliance with the**

**requirements of the Accidental Release Prevention Provisions in Title 40, Code of Federal Regulations, Part 68 (40 CFR 68).**

EPA stated that in the general provisions relating to Risk Management Plan in 112(r), the commission has authority to issue permits that assure compliance with all applicable requirements, including the Risk Management Plan. EPA asked that the phrase “enforceable only by the Administrator of the EPA” be deleted from the general provisions of each general operating permit and the following notation be used “upon delegation to the State the provision is enforceable” by both parties.

**The commission disagrees with the proposed change. Currently, the commission does not have, nor is requesting delegation of, the 112(r) provisions relating to the Risk Management Plan.**

**Therefore, the Risk Management Plan is a requirement that is enforceable *only* by the Administrator of the EPA. Since the Risk Management Plan is an applicable requirement under the provisions of 30 TAC Chapter 122, a provision addressing it will be included in each General Operating Permit. This provision correctly references EPA’s enforceability of the Risk Management Plan requirements.**

EPA requested that the following 40 CFR 60, Subpart A provisions be added to the general provisions of each general operating permit for proper implementation and enforcement of the 40 CFR 60 rules where applicable: §60.2, Definitions, §60.3, Units and Abbreviations, §60.17, Incorporation by Reference, and §60.18, General Control Device Requirements.

**The commission disagrees with the commenter. Sections 60.2, 60.3, and 60.17 referenced by EPA are only for informational purposes. The contents of these sections contain no enforceable requirements; therefore, it is not necessary to codify them in the General Operating Permit. It must be noted that the requirements of §60.18 (as it pertains to flares) have been codified in a permit table in each of the General Operating Permits.**

In the general provisions relating to stationary gas turbines affected by 40 CFR 60, Subpart GG, arrangements for a custom fuel monitoring plan were allowed. EPA agreed, provided that the owner or operator of the affected stationary gas turbine meets three criteria that were listed in EPA's comments.

**The commission modified the custom fuel monitoring schedule provisions based on EPA's comments pertaining to initial fuel sampling during startup, fuel supplier information, and fuel sampling requirements after a change in the fuel supply.**

An individual requested that in §122.511(b)(7)(A), (C), and (E), the opacity limit should be lowered from 30% to 20% for visible emissions from stationary vents, structures, and all other sources not specified.

**The emission limits codified in the General Operating Permits are those from existing State and federal rules that meet the definition of applicable requirements as defined in §122.10. Since the General Operating Permits are not amending the underlying rules, there is no legal method for this rulemaking to revise and lower the opacity limits set forth in Chapter 111.**

An individual objected to the allowance of surface coating operations in ozone nonattainment areas without meeting a standard exemption in §122.511(b)(15).

**See the response to the preceding comment on §122.511(a)(19) under the heading addressing Qualification Criteria Comments.**

TMOGA stated that the intent of proposed §§122.511(b)(3), 122.512(b)(3), 122.513(b)(3), 122.514(b)(3), and 122.515(b)(3) was to provide for emission units whose applicable requirements were intentionally not codified in this general permit. As written, proposed §122.511(b)(3) *et al* could also be interpreted to include inadvertent omissions. TMOGA recommended language to allow for inadvertent omissions.

**The commission disagrees with the commenter. Please refer to the previous TMOGA comment concerning noncompliance with unintentional omissions under the heading addressing Comments in General.**

TMOGA stated that the requirement for the submission of annual compliance certifications in §§122.511(b)(5), 122.512(b)(5), 122.513(b)(5), 122.514(b)(5), and 122.515(b)(5) is already stated in §122.143(4). TMOGA recommended deleting this redundant requirement from §§122.511-122.515 because inclusion could create confusion as to why other terms and conditions in §122.143 are not also repeated in each permit.

**The commission agrees with the commenter that the submission of annual compliance certifications required by §122.143(4) is repeated twice in the General Operating Permits general provisions (§122.511(b)(2) and (5), for example). This reiteration was done to avoid confusion about this specific requirement and to clarify that an owner or operator with units at a site covered by a General Operating Permit needs to submit annual compliance certifications, the same as for owners or operators of units at sites covered by site operating permits.**

TMOGA stated that on June 20, 1996 (after the publication of these proposed permits), EPA issued its final rule on the Risk Management Program. At 40 CFR §68.215, EPA addresses the permit content and air permitting authority or designated agency requirements. (See Attachment #4 of TMOGA's comments, 61 FR 31278). Upon review of these new regulations, TMOGA proposed that §§122.511(b)(8), 122.512(b)(7), 122.513(b)(7), 122.514(b)(7), and 122.515(b)(11) be revised to conform to the new requirements and suggested language.

Industry felt this change is necessary due to the requirement at 40 CFR §68.215(c) to revise or reopen permits that are issued prior to the deadline for registering and submitting a risk management plan and do not contain the permit conditions specified in 40 CFR §68.215(a).

**The commission has developed a new provision to replace the one found in the sections mentioned in the comment. The new provision, although not the same as the provision requested by the commenter, does satisfy the requirements of 112(r).**

**In addition, a reference to the owner or operator, indicating in the permit application that Part 68 is an applicable requirement, was not included in the new provision. This reference is not a pertinent statement to add to the provision since Part 68 states, “the 40 CFR part 70 or part 71 permit for the stationary source shall contain a statement listing this part as an applicable requirement.” It does not mention that the permit application has to indicate that Part 68 is an applicable requirement.**

TMOGA stated that the proposed §§122.511(b)(9)(C), 122.512(b)(8)(C), 122.513(b)(8)(C), 122.514(b)(8)(C), and 122.515(b)(11) do not include the 50-pound exemption allowed by 40 CFR 82 and suggested language.

**The commission disagrees with making the requested change. However, because of the approach taken throughout this rule proposal to codify on a high level of citation applicable requirements that are only enforceable by the EPA, subparagraph (C) has been deleted and the recordkeeping requirements contained in it have been moved to subparagraphs (A) and (B). The recordkeeping requirements in subparagraphs (A) and (B) now state that the owner or operator shall keep records as required by the pertinent subpart. This revision will incorporate the 50-pound threshold provision found in 40 CFR 82, Subpart F in §82.166(j) and (k) that the commenter cites. Most importantly, it will still retain all of the recordkeeping requirements that are required for Title VI as well.**

TMOGA stated that these proposed permits inadvertently omitted a general provision for asbestos NESHAP, 40 CFR 61, Subpart M for demolition and renovation activities and suggested wording.

**The commission disagrees with the commenter. The demolition and renovation portions of 40 CFR 61, Subpart M are not applicable requirements for the sources which are eligible to be covered by these General Operating Permits.**

**Permit Table Comments in General.** TMOGA strongly recommended that the commission add a descriptive title (e.g., Gas Turbines for §122.511(c)(1)) to each proposed table to aid in their use by the regulated community.

**The commission agrees with the commenter and has implemented the request to add a descriptive title to each permit table.**

**Specific §122.511(c) Comments.** In §122.511(c)(1), EPA indicated that the exemption citation for Index Number 511-04-004 should be §60.332(e).

**The commission agrees with the commenter and revised the citation as suggested.**

In §122.511(c)(1), EPA indicated that the exemption citation for military gas turbines was not provided for under the “Type of Service” column for gas turbines with the following unit attributes: 10 MMBtu/hr < Heat Input < 100 MMBtu/hr and Date > 10/03/82.

**The commission agrees with the commenter that the exemption for military gas turbines was not provided; this is because the facilities that are eligible to apply for these General Operating Permits typically do not have military gas turbines. If they did, the gas turbine would have to be covered by another type of operating permit.**

In §122.511(c)(1), EPA indicated that the exemption citation for military gas turbines was not provided for under the “Type of Service” column for gas turbines with the following unit attributes: 100 MMBtu/hr < Heat Input and Base Load < 30 megawatts (MW) and 10/03/77 < Date < 1/27/82.

**See the preceding response to the EPA comment dealing with military gas turbines.**

In §122.511(c)(1), EPA indicated that the exemption citation for military gas turbines was not provided for under the “Regulatory Requirements [Exemptions]” column for gas turbines with the following unit attributes: 100 MMBtu/hr < Heat Input and Base Load < 30 MW and 10/03/77 < Date < 1/27/82.

**See the preceding response to the EPA comment dealing with military gas turbines.**

In §122.511(c)(1), EPA indicated that for stationary gas turbines with the following unit attributes: 100 MMBtu/hr < Heat Input and Base Load < 30 MW and 10/03/77 < Date < 1/27/82, the nitrogen oxides emission standards do not represent the difference between “electric utility” stationary gas turbines and “industrial and pipeline” stationary gas turbines. EPA suggested dividing the table into

two rows to implement the §60.332(a) standards for both “electric utility” and “industrial and pipeline” stationary gas turbines.

**The commission agrees with the commenter that the standard for “electric utility” stationary gas turbines was not provided; this is because the facilities that are eligible to apply for these General Operating Permits typically do not have “electric utility” stationary gas turbines. If they did, the gas turbine probably would not be eligible for a General Operating Permit and would have to be covered by another type of operating permit, especially if the turbine were an acid rain affected source. This fact is because acid rain affected sources are not eligible for a General Operating Permit per §70.6(d)(1).**

In §122.511(c)(5), EPA stated that the “Actual Sulfur Feed Rate (in LTPD)” is not an applicability determination factor and should be removed from the permit table.

**The commission disagrees with the commenter that “Actual Sulfur Feed Rate” is not an applicability determination factor. This value is used to determine the appropriate applicable reduction efficiency from the tables in §60.642(a) and (b). The commission *does* recognize that the rule is inadequate to handle the scenario where the design capacity is  $\geq 2.0$  LTPD but with a current actual capacity of  $< 2.0$  LTPD.**

In §122.511(c)(5), EPA indicated that for Unit Location of “Other” and these unit attributes, 1/20/84 < Date, design capacity > 2.0 LTPD, and an actual acid gas stream feed rate < 2.0 LTPD, there is no exemption from any or all of the 40 CFR 60, Subpart LLL requirements.

**The commission agrees with the commenter that the unit attributes stated in the body of the comment would not lead to an exemption from 40 CFR 60, Subpart LLL; however, the commission recognizes that the rule is inadequate to handle the scenario where the design capacity is  $\geq 2.0$  LTPD but with a current actual capacity of  $< 2.0$  LTPD. See the previous comments by EPA and TMOGA concerning Subpart LLL.**

TMOGA requested a revision to §122.511(c)(1), in accordance with its previous comment number 9. In addition, an exemption citation is needed for emergencies and firefighting as noted on TMOGA’s attachment.

**The commission agrees with the commenter that an exemption citation is needed for emergencies and firefighting. The commission has incorporated the comment as requested. The commission is uncertain as to the applicability of comment number 9 (dealing with the issue number 26 of whether a glycol dehydrator firebox that burns reboiler exhaust can be considered both a process heater and a control device) to this comment.**

TMOGA requested a revision to §122.511(c)(2). The exemption citations on the table referring to 40 CFR §60.113(d)(1) and (d)(2) and 40 CFR §60.115a(d)(1) are exemptions from monitoring, not

exemptions from controls. TMOGA believes the regulated community is more interested in seeing the exemptions from controls. The proper citation for the exemption from controls is 40 CFR §60.112(a)(1) and 40 CFR §60.112a(a), respectively.

**The commission agrees with the commenter that the exemptions used in the permit table were exemptions from monitoring. However, since no *explicit* exemption is given in the rule and the citation for standards would be §60.112(a)(1) and §60.112a(a)(1) or (2), the commission agreed that the section level preceding those citation standards (i.e., §60.112(a) and §60.112a(a)) would be an appropriate representation for the stated set of tank attributes.**

TMOGA requested a second revision to §122.511(c)(2). Several tanks are listed as having a regulatory requirement specified at 40 CFR §60.110(c)(2) or 40 CFR §60.110a(a), but these tanks are exempt from controls as justified by 40 CFR §60.112(a)(1) and 40 CFR §60.112a(a), respectively, which should be inserted as an exemption citation.

**See the response to the preceding TMOGA comment pertaining to the proper citation for exempting conditions for tanks.**

TMOGA requested a third revision to §122.511(c)(2), because 40 CFR §60.113(a)-(c) and 40 CFR §60.115a(a)-(c) are incorrectly codified on this table.

**The commission agrees with the commenter that the listed citations were codified incorrectly. The commission has incorporated the change as requested.**

TMOGA requested a revision to §122.511(c)(3). References to 40 CFR §60.116b(f) should be deleted from the table. This regulation only applies if a waste mixture is stored that is of indeterminate or variable composition. Storage of these materials is prohibited by proposed §122.511(a)(9)(G).

**The commission agrees with the commenter that references to §60.116b(f) should be deleted from the permit table codified in §122.511(c)(3). The commission has incorporated the change as requested.**

TMOGA requested a second revision to §122.511(c)(3). During workgroup sessions, industry proposed to the commission that these tables be codified based on the preamble to 40 CFR 60, Subpart Kb, which apparently intended for the regulations to cover storage tanks with the same capacity ranges as NSPS K and Ka (e.g., 10,000 to 20,000 gallons, 20,000 to 40,000 gallons, etc.). As finally promulgated, the regulations were written in metric units that do not convert exactly to the same English unit ranges as laid out in NSPS K and Ka. Upon reconsidering the preamble and the precedents set by other state regulatory agencies that have adopted these regulations and have added an exact English unit to metric unit conversion, TMOGA recommended that this table be revised as shown on the attached marked-up table. The basis used for the conversion was the fact that the exemption for crude and condensate tanks is 1589.874 cubic meters. In NSPS K and Ka, the exemption size is 420,000 gallons. Therefore, the conversion factor TMOGA used was 264.172 gallons per cubic meter.

In addition, the qualification criteria, §§122.511(a)(9)(E), 122.512(a)(9)(E), 122.513(a)(9)(E), and 122.514(a)(9)(D) should be revised from 19,800 gallons to 19,813 gallons.

**The commission agrees with the commenter that there is an inconsistency in the units on storage capacity between NSPS K, Ka, and Kb; however, the commission maintains that the intent of the regulations was to maintain the same delineation in tank size ranges (i.e., 10,000 gallons, 20,000 gallons, and 40,000 gallons).**

TMOGA requested a revision to §122.511(c)(4). References on lines 9 and 22 to §115.112(a)(1) as being regulatory requirements should be noted as exemptions because storage vessels with these unit attributes are exempt from control requirements.

**The commission agrees that a storage tank with the stated attributes would be exempt from control requirements; however, the tank still has testing and recordkeeping requirements found in §115.115(a)(1)-(7) and §115.116(a)(4) and (5).**

TMOGA requested a revision to §122.511(c)(8). As noted in its previous comment number 14, industry proposed to delete this table and mark it as “reserved.”

**The commission agrees with the commenter that the permit table in §122.511(c)(8) should be deleted. The commission has incorporated the change as requested. It must be noted that the**

**commission is uncertain as to the applicability of TMOGA's comment number 14 (pertaining to custom fuel monitoring for gas turbines) to this comment.**

TMOGA requested a revision to §122.511(c)(14). The heading of column 4 should be revised to indicate that the VOCs of concern are only those specified in §115.121(a)(1).

**The commission is uncertain as to the intention of the comment. The commission's position is that §115.121(a)(1) does not delineate specific VOCs, but states that any VOCs should be controlled properly.**

TMOGA requested a revision to §122.511(c)(16). TMOGA proposed to substantially reduce this table in conjunction with its earlier comment number 15.

**The commission agrees with the commenter that the permit table in §122.511(c)(16) should be modified in conjunction with previous comment concerning liquid fuel firing affecting table §122.511(c)(8). The commission has incorporated the change as requested. It must be noted that the commission is uncertain as to the applicability of TMOGA's comment number 15 (pertaining to the compliance with the sulfur dioxide standard in 40 CFR 60, Subpart GG) to this comment.**

TMOGA requested a revision to §122.511(c)(19). References to §115.412(a)(1)(E) should be deleted, as this does not pertain to a remote reservoir.

**The commission agrees with the commenter that §115.412(a)(1)(E) should be deleted for remote reservoir cleaning machines. The commission has incorporated the change as requested.**

**Specific §122.515(c) Comments.** In §122.515(c)(7), EPA stated that for non-assisted or steam-assisted flares, where the exit velocity range is 60 feet per second (ft/sec)  $< V < 400$  ft/sec, and the heating value  $> 1,000$  British thermal units per standard cubic feet (Btu/scf),  $V_{max}$  does not have to be determined, and, therefore,  $V_{max}$  is not a factor in determining compliance of the flare with the requirements in 40 CFR 60, Subpart A. EPA requested that the appropriate permit tables be revised accordingly.

**The commission agrees with the commenter that  $V_{max}$  should be incorporated as requested; however, the commission maintains that the permit tables accurately reflect this position. This position is evident by virtue of the fact that for the stated set of attributes, in the column entitled “ $V < V_{MAX}$ ”, the entry is “N/A”. The “N/A” entry means that  $V_{MAX}$  is not required to be calculated in this instance.**

In §122.515(c)(7), EPA stated that for non-assisted or steam-assisted flares, where the exit velocity range is 60 ft/sec  $< V < 400$  ft/sec, and 200 or 300 Btu/scf  $<$  heating value  $< 1,000$  Btu/scf,  $V_{max}$  does have to be determined, and, therefore,  $V_{max}$  is a factor in determining compliance of the flare with the requirements in 40 CFR 60, Subpart A. EPA requested that the appropriate permit tables be revised accordingly.

**See the response to the previous EPA comment pertaining to non-assisted or steam-assisted flares concerning  $V_{\max}$ .**

In §122.515(c)(7), EPA stated that for air-assisted flares, where the 300 Btu/scf < heating value,  $V_{\max}$  does have to be determined, and, therefore,  $V_{\max}$  is a factor in determining compliance of the flare with the requirements in 40 CFR 60, Subpart A. EPA requested that the appropriate permit tables be revised accordingly.

**See the response to the previous EPA comment pertaining to non-assisted or steam-assisted flares concerning  $V_{\max}$ .**

The new sections are adopted under the Texas Health and Safety Code, 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.

## **SUBCHAPTER F: GENERAL OPERATING PERMITS**

### **AVAILABLE GENERAL OPERATING PERMITS**

**§122.511. Oil and Gas General Operating Permit - Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties.**

(a) Qualification criteria. Emission units authorized to operate under this General Operating Permit shall meet each of the following criteria.

(1) Emission units which are authorized to operate under this General Operating Permit shall not have a federal prevention of significant deterioration permit or a federal nonattainment permit.

(2) Emission units which are authorized to operate under this General Operating Permit shall not use an alternative means of compliance which must be approved by the executive director of the commission or the Administrator of the United States Environmental Protection Agency (EPA).

(3) At the time of application submittal, emission units which are authorized to operate under this General Operating Permit shall be in compliance with all requirements as stated in subsections (b) and (c) of this section.

(4) Degassing and cleaning of volatile organic chemical transport vessels with a capacity greater than 8,000 gallons at sites located in counties subject to the regulatory requirements of Chapter 115 of this title (relating to Control of Air Pollution From Volatile Organic Compounds) is not authorized to operate under this General Operating Permit.

(5) Equipment in benzene service is not authorized to operate under this General Operating Permit unless the plant site is designed to produce or use less than 1,000 megagrams (1,100 tons) of benzene per year as determined according to the provisions of Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in 40 CFR, §61.245(d).

(6) Cooling towers which are authorized to operate under this General Operating Permit shall not have operated with chromium-based water treatment chemicals on or after September 8, 1994, in accordance with Title 40, Code of Federal Regulations, Part 63 (40 CFR 63), Subpart Q.

(7) Loading and unloading operations authorized to operate under this General Operating Permit shall not include the loading of volatile organic compounds (VOC) with a true vapor pressure greater than 11.0 pounds per square inch absolute (psia) into transport vessels unless the VOC is exempt from all of the control requirements of Chapter 115 of this title.

(8) Emission units in marine terminal loading and unloading operations are not authorized to operate under this General Operating Permit.

(9) For storage vessels, tanks, or containers which are authorized to operate under this General Operating Permit, the following subparagraphs shall apply.

(A) The storage vessels shall not store benzene having a specific gravity within the range of specific gravities specified in American Society for Testing and Materials (ASTM) D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a for Refined Benzene-535, and ASTM D4734-87 for Refined Benzene-545.

(B) Internal or external floating roof vessels must be exempt from all regulatory requirements of Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), Subparts K, Ka, and Kb.

(C) Internal or external floating roof tanks must be exempt from all of the regulatory requirements of Chapter 115 of this title.

(D) Degassing or cleaning of storage tanks greater than one million gallons of storage capacity is not authorized to operate under this General Operating Permit.

(E) Storage vessels shall not store waste mixtures of indeterminate or variable composition which are subject to the regulatory requirements of 40 CFR 60, Subpart Kb.

(F) Stored materials shall have a maximum true vapor pressure:

(i) less than or equal to 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts K and Ka;

(ii) less than 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts Kb; and

(iii) less than 11.0 psia, at storage conditions, if stored in vessels or tanks after custody transfer and subject to the regulatory requirements of Chapter 115 of this title.

(10) Boilers and steam generators which are authorized to operate under this General Operating Permit shall only be fired with natural gas, and:

(A) not have a rated capacity greater than 2,500 million British thermal units per hour (MMBtu/hr) and constructed, reconstructed, or modified on or before June 19, 1984;

(B) not exceed 100 MMBtu/hr rated capacity if constructed, reconstructed, or modified after June 19, 1984; or

(C) not have a rated capacity for "opposed-fired," "front-fired," or "tangential-fired" steam generating unit of more than 600,000 pounds per hour maximum continuous steam capacity in Brazoria, Chambers, Collin, Dallas, Denton, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, or Waller Counties. (An "opposed-fired" steam generating unit is defined as a

unit having burners installed on two opposite vertical firebox surfaces. A "front-fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface. A "tangential-fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.)

(11) Stationary gas turbines which are authorized to operate under this General Operating Permit shall:

- (A) only be fired with pipeline quality natural gas;
- (B) not be fired with an emergency fuel;
- (C) not be supplied its fuel from an intermediate bulk storage tank;
- (D) not use 40 CFR, §60.333(a) as a means to comply with the requirements of 40 CFR 60, Subpart GG;
- (E) not exceed the manufacturer's rated base load at International Standards Organization conditions of 30 megawatts if constructed, reconstructed, or modified on or after October 3, 1977; and
- (F) not claim the exemption in 40 CFR, §60.332(i).

(12) Emission units subject to the regulatory requirements of 40 CFR 60, Subpart XX are not authorized to operate under this General Operating Permit.

(13) Degreasing operations which are authorized to operate under this General Operating Permit shall not utilize the following:

(A) a VOC for open-top vapor or conveyORIZED degreasing; or

(B) individual batch vapor, in-line vapor, in-line cold, or batch cold solvent cleaning machines subject to the regulatory requirements of 40 CFR 63, Subpart T.

(14) Emission units which are authorized to operate under this General Operating Permit and are subject to Chapter 111 of this title (relating to Control of Air Pollution From Visible Emissions and Particulate Matter) may not claim an exemption from the continuous emission monitoring requirements of §111.111(a)(3) of this title (relating to Requirements for Specified Sources).

(15) VOC water separators which are authorized to operate under this General Operating Permit shall not have been subject to the control requirements of §115.132(a)(1)-(3) of this title (relating to Control Requirements) at any time since July 17, 1991, which later were exempted from control requirements by satisfying the conditions of §115.132(a)(4)(A) and (B) of this title.

(16) Process vents which are authorized to operate under this General Operating

Permit:

(A) shall not be subject to the emission specifications of §115.121(a)(2) and (3) of this title (relating to Emission Specifications) and the control requirements of §115.122(a)(2) of this title (relating to Control Requirements); or

(B) shall not have been subject to the emission specifications of §115.121(a)(1) of this title and the control requirements of §115.122(a)(1) of this title at any time since July 17, 1991, which later were exempted from control requirements by satisfying the conditions of §115.122(a)(4)(A) and (B) of this title.

(17) VOC loading/unloading which is authorized to operate under this General Operating Permit shall not have been subject to the control requirements of §115.212(a)(2) and (4)-(6) of this title (relating to Control Requirements) at any time since November 15, 1996, which later were exempted from these control requirements by satisfying the conditions of §115.212(a)(12) of this title.

(18) Loading racks at a benzene production facility shall not be authorized to operate under this General Operating Permit unless these loading racks load only the following: gasoline, crude oil, natural gas liquids, or petroleum distillates.

(19) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit shall not emit, when uncontrolled, a combined weight of VOC greater than or equal to three pounds per hour and 15 pounds in any consecutive 24-hour period.

(20) Process heaters and furnaces which are authorized to operate under this General Operating Permit shall only be fired with natural gas.

(b) General provisions.

(1) The owner or operator shall comply with the requirements relating to General Operating Permits which are contained in this chapter.

(2) The owner or operator shall comply with the conditions listed in §122.143 of this title (relating to Permit Conditions).

(3) Except for 40 CFR 63, emission units authorized to operate under this General Operating Permit shall have all applicable requirements codified in subsections (b) or (c) of this section.

(4) The following requirements concerning preconstruction authorizations shall apply.

(A) The requirements of preconstruction authorizations (new source review permits) implemented through Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modification) are not incorporated in this General Operating Permit and will only be enforced through Chapter 116 of this title. For purposes of this subchapter, preconstruction authorizations include new source review permits, standard exemptions, standard permits, flexible permits, special permits, and special exemptions. These preconstruction authorizations shall be referenced in the General Operating Permit application. Copies of preconstruction authorizations referenced in the General Operating Permit application may be obtained from the appropriate Texas Natural Resource Conservation Commission (TNRCC) regional office or TNRCC central office in Austin.

(B) The requirements of preconstruction authorizations referenced in the General Operating Permit application are not eligible for the Permit Shield provisions in §122.145 of this title (relating to Permit Content).

(5) For any unit subject to any subpart in 40 CFR 60, the owner or operator shall comply with the following unless otherwise stated in the applicable subpart:

(A) Section 60.1 - Applicability;

(B) Section 60.7 - Notification and Recordkeeping;

(C) Section 60.8 - Performance Tests;

(D) Section 60.9 - Availability of Information;

(E) Section 60.11 - Compliance with Standards and Maintenance

Requirements;

(F) Section 60.12 - Circumvention;

(G) Section 60.13 - Monitoring Requirements;

(H) Section 60.14 - Modification;

(I) Section 60.15 - Reconstruction; and

(J) Section 60.19 - General Notification and Reporting Requirements.

(6) The owner or operator shall submit compliance certifications to the commission at least every 12 months and, upon request, to the EPA.

(7) The owner or operator of sites subject to the provisions of this chapter that are affected by the requirements of Chapter 115, Subchapter C of this title (relating to Volatile Organic Compound Transfer Operations) shall comply with the following.

(A) The requirements in the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title, are as follows:

(i) Section 115.212(a)(4), (5)(D), and (12) of this title;

(ii) Section 115.214(a)(3) of this title (relating to Inspection Requirements);

(iii) Section 115.215(a) of this title (relating to Approved Test Methods); and

(iv) Section 115.216(a)(4) and (5) of this title (relating to Monitoring and Recordkeeping Requirements).

(B) The requirements in the undesignated head Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in Chapter 115, Subchapter C of this title, are as follows:

(i) Section 115.221 of this title (relating to Emission Specifications);

(ii) Section 115.222 of this title (relating to Control Requirements);

(iii) Section 115.224 of this title (relating to Inspection Requirements);

(iv) Section 115.225(1)-(5) of this title (relating to Testing  
Requirements);

(v) Section 115.226 of this title (relating to Recordkeeping  
Requirements); and

(vi) Section 115.227 of this title (relating to Exemptions).

(C) The requirements in the undesignated head Control of Volatile Organic  
Compound Leaks From Transport Vessels in Chapter 115, Subchapter C of this title, are as follows:

(i) Section 115.234 of this title (relating to Inspection Requirements);

(ii) Section 115.235(1), (2), (3)(A), and (4) of this title (relating to  
Approved Test Methods);

(iii) Section 115.236 of this title (relating to Recordkeeping Requirements); and

(iv) Section 115.237 of this title (relating to Exemptions).

(D) The requirements in the undesignated head Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities in Chapter 115, Subchapter C of this title, are as follows:

(i) Section 115.241 of this title (relating to Emission Specifications);

(ii) Section 115.242 of this title (relating to Control Requirements);

(iii) Section 115.244 of this title (relating to Inspection Requirements);

(iv) Section 115.245(1), (2), (3), (5), and (6) of this title (relating to Testing Requirements);

(v) Section 115.246 of this title (relating to Recordkeeping Requirements); and

(vi) Section 115.247 of this title (relating to Exemptions).

(E) The requirements in the undesignated head Control of Reid Vapor Pressure of Gasoline in Chapter 115, Subchapter C of this title for the El Paso ozone nonattainment area are as follows:

(i) Section 115.252 of this title (relating to Control Requirements);

(ii) Section 115.255 of this title (relating to Approved Test Methods);

(iii) Section 115.256 of this title (relating to Recordkeeping Requirements); and

(iv) Section 115.257 of this title (relating to Exemptions).

(8) Owners or operators shall comply with the following requirements of Chapter 111 of this title.

(A) Visible emissions from stationary vents constructed on or before January 31, 1972, shall not exceed 30% opacity averaged over a six-minute period as required in §111.111(a)(1)(A) of this title. Compliance with the visible emission standard of §111.111(a)(1)(A) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(B) Visible emissions from stationary vents constructed after January 31, 1972, shall not exceed 20% opacity averaged over a six-minute period as required in §111.111(a)(1)(B) of this title. Compliance with the visible emission standard of §111.111(a)(1)(B) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(C) Visible emissions from structures shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(7)(A) of this title. Compliance with the visible emission standard of §111.111(a)(7)(A) of this title shall be determined as required in §111.111(a)(7)(B)(i) of this title by Test Method 9 (40 CFR 60, Appendix A).

(D) Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in §111.111 of this title for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any ten-day period as required in §111.111(a)(1)(E) of this title. This exemption shall not apply to the emissions mass rate standard, as outlined in §111.151(a) of this title (relating to Allowable Emissions Limits).

(E) Visible emissions from all other sources not specified in §111.111(a)(1), (4), or (7) of this title shall not exceed 30% opacity for any six-minute period from any building,

enclosed facility, or other structure as required in §111.111(a)(8)(A) of this title. Compliance with the visible emission standard of §111.111(a)(8)(A) of this title shall be determined by applying Test Method 9 (40 CFR 60, Appendix A) as required in §111.111(a)(8)(B)(i) of this title.

(F) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR 60, Appendix A) to comply with §111.111(a)(1)(G) of this title shall be accomplished by completing the TNRCC Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

(G) Emission limits on nonagricultural processes are as follows.

(i) Emissions of particulate matter from any source may not exceed the allowable rates specified in Table 1 as required in §111.151(a) of this title. Figure 1: 30 TAC

§122.511(b)(8)(G)(i)

(ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), as determined from Table 2, must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in §111.151(b) of this title. Figure 2: 30 TAC

§122.511(b)(8)(G)(ii)

(iii) Effective stack height shall be calculated by the following equation as required in §111.151(c) of this title. Figure 3: 30 TAC §122.511(b)(8)(G)(iii)

(H) Open burning, as stated in §111.201 of this title (relating to General Prohibition), shall not be authorized unless the following requirements are satisfied:

(i) Section 111.205 of this title (relating to Exception for Fire Training);

(ii) Section 111.209(3) of this title (relating to Exception for Disposal Fires);

(iii) Section 111.213 of this title (relating to Exception for Hydrocarbon Burning);

(iv) Section 111.219 of this title (relating to General Requirements for Allowable Outdoor Burning); and

(v) Section 111.221 of this title (relating to Responsibility for Consequences of Outdoor Burning).

(I) Owners or operators of sites subject to the provisions of this chapter in which the sites have Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots shall comply with the requirements of §§111.143, 111.145, 111.147, and 111.149 of this title (relating to

Materials Handling; Construction and Demolition; Roads, Streets, and Alleys; and Parking Lots) if they are located in the following areas:

(i) the City of El Paso, including the Fort Bliss Military Reservation, except for training areas as referenced in §111.141 of this title (relating to Geographic Areas of Application and Date of Compliance); or

(ii) the area of Harris County located inside Beltway 8 (Sam Houston Tollway).

(J) Abrasive blasting of water storage tanks performed by portable operations shall not be authorized unless the following requirements are satisfied:

(i) Section 111.133(a)(1) and (2), (b), and (c) of this title (relating to Testing Requirements);

(ii) Section 111.135(a), (b), and (c)(1)-(4) of this title (relating to Control Requirements for Surfaces with Coatings Containing Lead);

(iii) Section 111.137(a), (b)(1)-(4), and (c) of this title (relating to Control Requirements for Surfaces with Coatings Containing Less than 1.0% Lead); and

(iv) Section 111.139(a) and (b) of this title (relating to Exemptions).

(9) For covered processes subject to Title 40, Code of Federal Regulations, Part 68 (40 CFR 68) and specified in 40 CFR, §68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR 68. The owner or operator shall submit to the appropriate agency, either a compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR, §68.10(a), or as part of the compliance certification submitted under §122.143(4) of this title, a certification statement that the source is in compliance with all requirements of 40 CFR 68, including the registration and submission of a risk management plan. This general provision is enforceable only by the Administrator of the EPA.

(10) Owners and operators of a site subject to Title VI of the FCAA shall meet the following requirements for protection of stratospheric ozone which are enforceable only by the Administrator of the EPA.

(A) Operation, servicing, maintenance, and repair on refrigeration and non-motor vehicle air conditioning appliances using ozone-depleting refrigerants on-site shall be conducted in accordance with Title 40, Code of Federal Regulations, Part 82 (40 CFR 82), Subpart F. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart F.

(B) Servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR 82, Subpart B. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart B.

(11) For emission units located in the Houston/Galveston or Beaumont/Port Arthur ozone nonattainment areas and subject to the provisions of the undesignated head Commercial, Institutional, and Industrial Sources in Chapter 117, Subchapter B of this title (relating to Combustion at Existing Major Sources), the owner or operator shall have submitted a complete initial control plan as required by §117.209 of this title (relating to Initial Control Plan Procedures).

(12) For emission units located in the Houston/Galveston or Beaumont/Port Arthur ozone nonattainment areas and subject to the requirements of the undesignated head Commercial, Institutional, and Industrial Sources in Chapter 117, Subchapter B of this title, the owner or operator shall comply with the requirements of the undesignated head Commercial, Institutional, and Industrial Sources by the compliance date specified in §117.520 of this title (relating to Compliance Schedule for Commercial, Institutional, and Industrial Combustion Sources).

(13) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only comply with the requirements of 40 CFR, §60.333(b) for fuel sulfur content.

(14) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only fire natural gas and may be allowed to utilize a custom fuel monitoring schedule, as an alternative provided for under 40 CFR, §60.334(b)(2), as long as the provisions are at least as stringent as the following.

(A) Monitoring of fuel nitrogen is not required while pipeline quality natural gas is the only fuel fired in the gas turbine.

(B) The fuel supplier or suppliers shall be identified for the record during turbine startup, and at any time that the fuel supplier or suppliers change.

(C) Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM Test Methods for the measurement of sulfur in gaseous fuels, as referenced in 40 CFR, §60.335(d), or the Gas Processors Association (GPA) test method entitled "Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes." The test methods are listed as follows:

(i) ASTM D1072-80;

(ii) ASTM D3031-81;

(iii) ASTM D3246-81;

(iv) ASTM D4084-82; or

(v) GPA Standard 2377-86.

(D) The owner or operator of a gas turbine who is not currently utilizing an approved custom fuel monitoring schedule shall be required to initially sample the fuel supply daily for a period of two weeks to establish, after turbine startup, that the pipeline quality natural gas fuel supply is low in sulfur content.

(E) After the monitoring required in subparagraph (D) of this paragraph, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR, §60.333(b), then sulfur monitoring shall be conducted once per quarter for six quarters.

(F) If after the monitoring required in subparagraph (E) of this paragraph, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR, §60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.

(G) Should any sulfur analysis as required in subparagraphs (E) or (F) of this paragraph indicate noncompliance with 40 CFR, §60.333, the owner or operator shall notify the

commission within two weeks of such excess emissions. The commission will then reexamine the custom schedule. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

(H) If there is a change in fuel supply (supplier), the owner or operator shall be required to sample the fuel daily for a period of two weeks to re-establish for the record that the fuel supply is low in sulfur content. If the fuel supply's low sulfur content is re-established, then the custom fuel monitoring schedule can be resumed.

(I) Stationary gas turbines that use the same supply of pipeline quality natural gas to fuel multiple gas turbines may monitor the fuel sulfur content at a single common location.

(J) Applicants shall attach the custom fuel monitoring schedule to their General Operating Permit application.

(K) Compliance with the provisions of this paragraph fulfills the requirement that custom schedules be approved by the Administrator, as required by 40 CFR, §60.334(b)(2), before being used as an alternative means of compliance.

(15) Stationary gas turbines using water or steam injection need not comply with the nitrogen oxide control requirements of 40 CFR, §60.332(a) during conditions when ice fog is deemed a traffic hazard by the owner or operator of the stationary gas turbine.

(16) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit and are subject to the conditions for exemptions referenced in §115.427(a)(3)(A) of this title (relating to Exemptions) shall maintain sufficient records to document applicability as required by §115.426(a)(4) of this title (relating to Monitoring and Recordkeeping Requirements).

(17) The owner or operator shall keep records as required in 40 CFR, §61.246(i) if claiming the exemption in 40 CFR, §61.110(c)(2), pertaining to National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(18) The owner or operator of a sweetening unit with a design capacity greater than or equal to 2.0 long tons per day (LTPD) that operates at less than 2.0 LTPD, may choose to limit the sulfur feed rate, i.e., the hydrogen sulfide (H<sub>2</sub>S) in the acid gas (expressed as sulfur) from the sweetening unit to less than 2.0 LTPD. For those owners or operators who choose to do so, the sulfur feed rate limit established in this General Operating Permit shall be federally enforceable. Compliance with this general provision is deemed compliance with 40 CFR 60, Subpart LLL pursuant to the Permit Shield provisions in §122.145 of this title. If a sweetening unit operates at greater than or equal to 2.0 LTPD, then the owner or operator shall comply with the permit tables. The owner or operator shall monitor the sulfur feed rate using the following procedure and record the sulfur feed rate every calendar month to demonstrate compliance with 40 CFR 60, Subpart LLL: Figure 4: 30 TAC §122.511(b)(18)

(19) Owners or operators who claim any of the exemptions stated 40 CFR, §60.332(e), (g), (h), (j), or (l) shall maintain records to prove their exemption status in lieu of performing the monitoring, recordkeeping, reporting, and testing requirements specified in 40 CFR 60, Subpart GG. Compliance with this paragraph is deemed compliance with the nitrogen oxide emission limit's monitoring, recordkeeping, reporting, and testing requirements of 40 CFR 60, Subpart GG in accordance with the Permit Shield provisions in §122.145 of this title.

(20) After November 15, 1996, compliance with the undesignated head Fugitive Emission Control in Petroleum Refining and Petrochemical Processes in Chapter 115, Subchapter D of this title (relating to Petroleum Refining and Petrochemical Processes) is deemed compliance with undesignated head Fugitive Emission Control in Natural Gas/Gasoline Processing Operations in Chapter 115, Subchapter D of this title in accordance with the Permit Shield provisions in §122.145 of this title.

(21) Upon the granting of this General Operating Permit, detailed applicability determinations and the underlying basis for those determinations in the General Operating Permit application submitted to comply with the requirements of this chapter shall become conditions under which the owner or operator shall operate.

(c) Permit tables.

(1) The following permit table lists the requirements for Stationary Gas Turbines affected by 40 CFR 60, Subpart GG. Figure 5: 30 TAC §122.511(c)(1)

(2) The following permit table lists the requirements for Storage Vessels affected by 40 CFR 60, Subparts K and Ka. Figure 6: 30 TAC §122.511(c)(2)

(3) The following permit table lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Kb. Figure 7: 30 TAC §122.511(c)(3)

(4) The following permit table lists the requirements for Storage Vessels affected by Chapter 115 of this title. Figure 8: 30 TAC §122.511(c)(4)

(5) The following permit table lists the requirements for Gas Sweetening Units Not Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL. Figure 9: 30 TAC §122.511(c)(5)

(6) The following permit table lists the requirements for Natural Gas Processing Plant Fugitive Emissions affected by 40 CFR 60, Subpart KKK. Figure 10: 30 TAC §122.511(c)(6)

(7) The following permit table lists the requirements for Natural Gas Processing Operations Fugitive Emissions affected by Chapter 115 of this title. Figure 11: 30 TAC §122.511(c)(7)

(8) The following permit table lists the requirements for Flares affected by 40 CFR 60, Subpart A. Figure 12: 30 TAC §122.511(c)(8)

(9) The following permit table lists the requirements for Flares affected by Chapter 111 of this title. Figure 13: 30 TAC §122.511(c)(9)

(10) The following permit table lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL. Figure 14: 30 TAC §122.511(c)(10)

(11) The following permit table lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by Chapter 112 of this title (relating to Sulfur Compounds). Figure 15: 30 TAC §122.511(c)(11)

(12) The following permit table lists the requirements for Stationary Vents affected by Chapter 111 of this title. Figure 16: 30 TAC §122.511(c)(12)

(13) The following permit table lists the requirements for Stationary Vents affected by Chapter 115 of this title. Figure 17: 30 TAC §122.511(c)(13)

(14) The following permit table lists the requirements for Combustion Units affected by Chapter 117 of this title (relating to Control of Air Pollution From Nitrogen Compounds). Figure 18: 30 TAC §122.511(c)(14)

(15) The following permit table lists the requirements for Boilers/Steam Generators affected by 40 CFR 60, Subparts Db and Dc. Figure 19: 30 TAC §122.511(c)(15)

(16) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations affected by Chapter 115 of this title. Figure 20: 30 TAC §122.511(c)(16)

(17) The following permit table lists the requirements for VOC Water Separators affected by Chapter 115 of this title. Figure 21: 30 TAC §122.511(c)(17)

(18) The following permit table lists the requirements for Cold Cleaning Degreasing Operations affected by Chapter 115 of this title. Figure 22: 30 TAC §122.511(c)(18)

**§122.512. Oil and Gas General Operating Permit - Gregg, Nueces, and Victoria Counties.**

(a) Qualification criteria. Emission units authorized to operate under this General Operating Permit shall meet each of the following criteria.

(1) Emission units which are authorized to operate under this General Operating Permit shall not have a federal prevention of significant deterioration permit or a federal nonattainment permit.

(2) Emission units which are authorized to operate under this General Operating Permit shall not use an alternative means of compliance which must be approved by the executive director of the commission or the Administrator of the United States Environmental Protection Agency (EPA).

(3) At the time of application submittal, emission units which are authorized to operate under this General Operating Permit shall be in compliance with all requirements as stated in subsections (b) and (c) of this section.

(4) Equipment in benzene service is not authorized to operate under this General Operating Permit unless the plant site is designed to produce or use less than 1,000 megagrams (1,100 tons) of benzene per year as determined according to the provisions of Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in 40 CFR, §61.245(d).

(5) Cooling towers which are authorized to operate under this General Operating Permit shall not have operated with chromium-based water treatment chemicals on or after September 8, 1994, in accordance with Title 40, Code of Federal Regulations, Part 63 (40 CFR 63), Subpart Q.

(6) Loading and unloading operations authorized to operate under this General Operating Permit shall not include the loading of volatile organic compounds (VOC) with a true vapor pressure greater than 11.0 pounds per square inch absolute (psia) into transport vessels unless the VOC

is exempt from all of the control requirements of Chapter 115 of this title (relating to Control of Air Pollution From Volatile Organic Compounds).

(7) Emission units in marine terminal loading and unloading operations are not authorized to operate under this General Operating Permit.

(8) For storage vessels, tanks, or containers which are authorized to operate under this General Operating Permit, the following subparagraphs shall apply.

(A) The storage vessels shall not store benzene having a specific gravity within the range of specific gravities specified in American Society for Testing and Materials (ASTM) D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a for Refined Benzene-535, and ASTM D4734-87 for Refined Benzene-545.

(B) Internal or external floating roof vessels must be exempt from all regulatory requirements of Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), Subparts K, Ka, and Kb.

(C) Internal or external floating roof tanks must be exempt from all of the regulatory requirements of Chapter 115 of this title.

(D) Degassing or cleaning of storage tanks greater than one million gallons of storage capacity is not authorized to operate under this general permit.

(E) Storage vessels shall not store waste mixtures of indeterminate or variable composition which are subject to the regulatory requirements of 40 CFR 60, Subpart Kb.

(F) Stored materials shall have a maximum true vapor pressure:

(i) less than or equal to 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts K and Ka;

(ii) less than 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts Kb; and

(iii) less than 11.0 psia, at storage conditions, if stored in vessels or tanks after custody transfer and subject to the regulatory requirements of Chapter 115 of this title.

(9) Boilers and steam generators which are authorized to operate under this General Operating Permit shall only be fired with natural gas, and:

(A) not have a rated capacity greater than 2,500 million British thermal units per hour (MMBtu/hr) and constructed, reconstructed, or modified on or before June 19, 1984; or

(B) not exceed 100 MMBtu/hr rated capacity if constructed, reconstructed, or modified after June 19, 1984.

(10) Stationary gas turbines which are authorized to operate under this General Operating Permit shall:

(A) only be fired with pipeline quality natural gas;

(B) not be fired with an emergency fuel;

(C) not be supplied its fuel from an intermediate bulk storage tank;

(D) not use 40 CFR, §60.333(a) as a means to comply with the requirements of 40 CFR 60, Subpart GG;

(E) not exceed the manufacturer's rated base load at International Standards Organization conditions of 30 megawatts if constructed, reconstructed, or modified on or after October 3, 1977; and

(F) not claim the exemption in 40 CFR, §60.332(i).

(11) Emission units subject to the regulatory requirements of 40 CFR 60, Subpart XX are not authorized to operate under this General Operating Permit.

(12) Degreasing operations subject to this General Operating Permit and located on any property shall not emit, when uncontrolled, a combined weight of VOC greater than or equal to 550 pounds in any consecutive 24-hour period; or, utilize the following:

(A) a VOC for open-top vapor or conveyORIZED degreasing; or

(B) individual batch vapor, in-line vapor, in-line cold, or batch cold solvent cleaning machines subject to the regulatory requirements of 40 CFR 63, Subpart T.

(13) Emission units which are authorized to operate under this General Operating Permit and are subject to Chapter 111 of this title (relating to Control of Air Pollution From Visible Emissions and Particulate Matter) may not claim an exemption from the continuous emission monitoring requirements of §111.111(a)(3) of this title (relating to Requirements for Specified Sources).

(14) Loading racks at a benzene production facility shall not be authorized to operate under this General Operating Permit unless these loading racks load only the following: gasoline, crude oil, natural gas liquids, or petroleum distillates.

(15) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit shall not emit, when uncontrolled, a combined weight of VOC greater than or equal to 550 pounds (249.5 kilograms) in any consecutive 24-hour period.

(16) Process heaters and furnaces which are authorized to operate under this General Operating Permit shall only be fired with natural gas.

(b) General provisions.

(1) The owner or operator shall comply with the requirements relating to General Operating Permits which are contained in this chapter.

(2) The owner or operator shall comply with the conditions listed in §122.143 of this title (relating to Permit Conditions).

(3) Except for 40 CFR 63, emission units authorized to operate under this General Operating Permit shall have all applicable requirements codified in subsections (b) or (c) of this section.

(4) The following requirements concerning preconstruction authorizations shall apply.

(A) The requirements of preconstruction authorizations (new source review permits) implemented through Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modification) are not incorporated in this General Operating Permit and will only be enforced through Chapter 116 of this title. For purposes of this subchapter, preconstruction authorizations include new source review permits, standard exemptions, standard permits, flexible permits, special permits, and special exemptions. These preconstruction authorizations shall be referenced in the General Operating Permit application. Copies of preconstruction authorizations referenced in the General Operating Permit application may be obtained from the appropriate Texas Natural Resource Conservation Commission (TNRCC) regional office or TNRCC central office in Austin.

(B) The requirements of preconstruction authorizations referenced in the General Operating Permit application are not eligible for the Permit Shield provisions in §122.145 of this title (relating to Permit Content).

(5) For any unit subject to any subpart in 40 CFR 60, the owner or operator shall comply with the following unless otherwise stated in the applicable subpart:

(A) Section 60.1 - Applicability;

(B) Section 60.7 - Notification and Recordkeeping;

(C) Section 60.8 - Performance Tests;

(D) Section 60.9 - Availability of Information;

(E) Section 60.11 - Compliance with Standards and Maintenance

Requirements;

(F) Section 60.12 - Circumvention;

(G) Section 60.13 - Monitoring Requirements;

(H) Section 60.14 - Modification;

(I) Section 60.15 - Reconstruction; and

(J) Section 60.19 - General Notification and Reporting Requirements.

(6) The owner or operator shall submit compliance certifications to the commission at least every 12 months and, upon request, to the EPA.

(7) Owners or operators shall comply with the following requirements of Chapter 111 of this title.

(A) Visible emissions from stationary vents constructed on or before January 31, 1972, shall not exceed 30% opacity averaged over a six-minute period as required in §111.111(a)(1)(A) of this title. Compliance with the visible emission standard of §111.111(a)(1)(A) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(B) Visible emissions from stationary vents constructed after January 31, 1972, shall not exceed 20% opacity averaged over a six-minute period as required in §111.111(a)(1)(B) of this title. Compliance with the visible emission standard of §111.111(a)(1)(B) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(C) Visible emissions from structures shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(7)(A) of this title. Compliance with the visible emission standard of §111.111(a)(7)(A) of this title shall be determined as required in §111.111(a)(7)(B)(i) of this title by Test Method 9 (40 CFR 60, Appendix A).

(D) Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits

set forth in §111.111 of this title for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any ten-day period as required in §111.111(a)(1)(E) of this title. This exemption shall not apply to the emissions mass rate standard, as outlined in §111.151(a) of this title (relating to Allowable Emissions Limits).

(E) Visible emissions from all other sources not specified in §111.111(a)(1), (4), or (7) of this title shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(8)(A) of this title. Compliance with the visible emission standard of §111.111(a)(8)(A) of this title shall be determined by applying Test Method 9 (40 CFR 60, Appendix A) as required in §111.111(a)(8)(B)(i) of this title.

(F) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR 60, Appendix A) to comply with §111.111(a)(1)(G) of this title shall be accomplished by completing the TNRCC Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

(G) Emission limits on nonagricultural processes are as follows.

(i) Emissions of particulate matter from any source may not exceed the allowable rates specified in Table 1 as required in §111.151(a) of this title. Figure 1 : 30 TAC §122.512(b)(7)(G)(i)

(ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), as determined from Table 2, must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in §111.151(b) of this title. Figure 2 : 30 TAC

§122.512(b)(7)(G)(ii)

(iii) Effective stack height shall be calculated by the following equation as required in §111.151(c) of this title. Figure 3 : 30 TAC §122.512(b)(7)(G)(iii)

(H) Open burning, as stated in §111.201 of this title (relating to General Prohibition), shall not be authorized unless the following requirements are satisfied:

(i) Section 111.205 of this title (relating to Exception for Fire Training);

(ii) Section 111.209(3) of this title (relating to Exception for Disposal Fires);

(iii) Section 111.213 of this title (relating to Exception for Hydrocarbon Burning);

(iv) Section 111.219 of this title (relating to General Requirements for Allowable Outdoor Burning); and

(v) Section 111.221 of this title (relating to Responsibility for Consequences of Outdoor Burning).

(I) Owners or operators of sites subject to the provisions of this chapter in which the sites have Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots shall comply with the requirements of §§111.143, 111.145, 111.147, and 111.149 of this title (relating to Materials Handling; Construction and Demolition; Roads, Streets, and Alleys; and Parking Lots) if they are located in the area of Nueces County outlined in the Group II State Implementation Plan for Inhalable Particulate Matter.

(J) Abrasive blasting of water storage tanks performed by portable operations shall not be authorized unless the following requirements are satisfied:

(i) Section 111.133(a)(1) and (2), (b), and (c) of this title (relating to Testing Requirements);

(ii) Section 111.135(a), (b), and (c)(1)-(4) of this title (relating to Control Requirements for Surfaces with Coatings Containing Lead);

(iii) Section 111.137(a), (b)(1)-(4), and (c) of this title (relating to Control Requirements for Surfaces with Coatings Containing Less than 1.0% Lead); and

(iv) Section 111.139(a) and (b) of this title (relating to Exemptions).

(8) For covered processes subject to Title 40, Code of Federal Regulations, Part 68 (40 CFR 68) and specified in 40 CFR, §68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR 68. The owner or operator shall submit to the appropriate agency, either a compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR, §68.10(a), or as part of the compliance certification submitted under §122.143(4) of this title, a certification statement that the source is in compliance with all requirements of 40 CFR 68, including the registration and submission of a risk management plan. This general provision is enforceable only by the Administrator of the EPA.

(9) Owners and operators of a site subject to Title VI of the FCAA shall meet the following requirements for protection of stratospheric ozone which are enforceable only by the Administrator of the EPA.

(A) Operation, servicing, maintenance, and repair on refrigeration and non-motor vehicle air conditioning appliances using ozone-depleting refrigerants on-site shall be conducted in accordance with Title 40, Code of Federal Regulations, Part 82 (40 CFR 82), Subpart F. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart F.

(B) Servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR 82, Subpart B. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart B.

(10) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only comply with the requirements of 40 CFR, §60.333(b) for fuel sulfur content.

(11) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only fire natural gas and may be allowed to utilize a custom fuel monitoring schedule, as an alternative provided for under 40 CFR, §60.334(b)(2), as long as the provisions are at least as stringent as the following.

(A) Monitoring of fuel nitrogen is not required while pipeline quality natural gas is the only fuel fired in the gas turbine.

(B) The fuel supplier or suppliers shall be identified for the record during turbine startup, and at any time that the fuel supplier or suppliers change.

(C) Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM Test Methods for the measurement of sulfur in gaseous fuels, as referenced in 40 CFR, §60.335(d), or the Gas Processors Association (GPA) test method entitled "Test for

Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes.” The test methods are listed as follows:

(i) ASTM D1072-80;

(ii) ASTM D3031-81;

(iii) ASTM D3246-81;

(iv) ASTM D4084-82; or

(v) GPA Standard 2377-86.

(D) The owner or operator of a gas turbine who is not currently utilizing an approved custom fuel monitoring schedule shall be required to initially sample the fuel supply daily for a period of two weeks to establish, after turbine startup, that the pipeline quality natural gas fuel supply is low in sulfur content.

(E) After the monitoring required in subparagraph (D) of this paragraph, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR, §60.333(b), then sulfur monitoring shall be conducted once per quarter for six quarters.

(F) If after the monitoring required in subparagraph (E) of this paragraph, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR, §60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.

(G) Should any sulfur analysis as required in subparagraphs (E) or (F) of this paragraph indicate noncompliance with 40 CFR, §60.333, the owner or operator shall notify the commission within two weeks of such excess emissions. The commission will then reexamine the custom schedule. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

(H) If there is a change in fuel supply (supplier), the owner or operator shall be required to sample the fuel daily for a period of two weeks to re-establish for the record that the fuel supply is low in sulfur content. If the fuel supply's low sulfur content is re-established, then the custom fuel monitoring schedule can be resumed.

(I) Stationary gas turbines that use the same supply of pipeline quality natural gas to fuel multiple gas turbines may monitor the fuel sulfur content at a single common location.

(J) Applicants shall attach the custom fuel monitoring schedule to their General Operating Permit application.

(K) Compliance with the provisions of this paragraph fulfills the requirement that custom schedules be approved by the Administrator, as required by 40 CFR, §60.334(b)(2), before being used as an alternative means of compliance.

(12) Stationary gas turbines using water or steam injection need not comply with the nitrogen oxide control requirements of 40 CFR, §60.332(a) during conditions when ice fog is deemed a traffic hazard by the owner or operator of the stationary gas turbine.

(13) The owner or operator of sites subject to the provisions of this chapter that are affected by the requirements of the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title (relating to Volatile Organic Compound Transfer Operations), shall comply with the following requirements:

(A) Section 115.212(b)(2) and (3)(C) of this title (relating to Control Requirements);

(B) Section 115.215(b) of this title (relating to Approved Test Methods); and

(C) Section 115.216(b)(5) of this title (relating to Monitoring and Recordkeeping Requirements).

(14) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit and are subject to the conditions for exemptions referenced in §115.427(b)(1) of this title (relating to Exemptions), shall maintain sufficient records to document applicability as required by §115.426(b)(3) of this title (relating to Monitoring and Recordkeeping Requirements).

(15) The owner or operator shall keep records as required in 40 CFR, §61.246(i) if claiming the exemption in 40 CFR, §61.110(c)(2), pertaining to National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(16) The owner or operator of a sweetening unit with a design capacity greater than or equal to 2.0 long tons per day (LTPD) that operates at less than 2.0 LTPD, may choose to limit the sulfur feed rate, i.e., the hydrogen sulfide (H<sub>2</sub>S) in the acid gas (expressed as sulfur) from the sweetening unit, to less than 2.0 LTPD. For those owners or operators who choose to do so, the requirements of §122.511(b)(18) of this title (relating to Oil and Gas General Operating Permit - Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties) shall apply.

(17) Owners or operators who claim any of the exemptions stated 40 CFR, §60.332(e), (g), (h), (j), or (l) shall maintain records to prove their exemption status in lieu of performing the monitoring, recordkeeping, reporting, and testing requirements specified in 40 CFR 60, Subpart GG. Compliance with this paragraph is deemed compliance with the nitrogen oxide emission limit's

monitoring, recordkeeping, reporting, and testing requirements of 40 CFR 60, Subpart GG in accordance with the Permit Shield provisions in §122.145 of this title.

(18) Upon the granting of this General Operating Permit, detailed applicability determinations and the underlying basis for those determinations in the General Operating Permit application submitted to comply with the requirements of this chapter shall become conditions under which the owner or operator shall operate.

(c) Permit tables.

(1) The permit table which lists the requirements for Stationary Gas Turbines affected by 40 CFR 60, Subpart GG is contained in §122.511(c)(1) of this title.

(2) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subparts K and Ka is contained in §122.511(c)(2) of this title.

(3) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Kb is contained in §122.511(c)(3) of this title.

(4) The following permit table lists the requirements for Storage Vessels affected by Chapter 115 of this title. Figure 4: 30 TAC §122.512(c)(4)

(5) The permit table which lists the requirements for Gas Sweetening Units Not Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(5) of this title.

(6) The permit table which lists the requirements for Natural Gas Processing Plant Fugitive Emissions affected by 40 CFR 60, Subpart KKK is contained in §122.511(c)(6) of this title.

(7) The permit table which lists the requirements for Flares affected by 40 CFR 60, Subpart A is contained in §122.511(c)(8) of this title.

(8) The permit table which lists the requirements for Flares affected by Chapter 111 of this title is contained in §122.511(c)(9) of this title.

(9) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(10) of this title.

(10) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by Chapter 112 of this title (relating to Sulfur Compounds) is contained in §122.511(c)(11) of this title.

(11) The permit table which lists the requirements for Stationary Vents affected by Chapter 111 of this title is contained in §122.511(c)(12) of this title.

(12) The following permit table lists the requirements for Stationary Vents affected by Chapter 115 of this title. Figure 5: 30 TAC §122.512(c)(12)

(13) The permit table which lists the requirements for Boilers/Steam Generators affected by 40 CFR 60, Subparts Db and Dc is contained in §122.511(c)(15) of this title.

(14) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations affected by Chapter 115 of this title. Figure 6: 30 TAC §122.512(c)(14)

(15) The following permit table lists the requirements for VOC Water Separators affected by Chapter 115 of this title. Figure 7: 30 TAC §122.512(c)(15)

**§122.513. Oil and Gas General Operating Permit - Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties.**

(a) Qualification criteria. Emission units authorized to operate under this General Operating Permit shall meet each of the following criteria.

(1) Emission units which are authorized to operate under this General Operating Permit shall not have a federal prevention of significant deterioration permit or a federal nonattainment permit.

(2) Emission units which are authorized to operate under this General Operating Permit shall not use an alternative means of compliance which must be approved by the executive director of the commission or the Administrator of the United States Environmental Protection Agency (EPA).

(3) At the time of application submittal, emission units which are authorized to operate under this General Operating Permit shall be in compliance with all requirements as stated in subsections (b) and (c) of this section.

(4) Equipment in benzene service is not authorized to operate under this General Operating Permit unless the plant site is designed to produce or use less than 1,000 megagrams (1,100 tons) of benzene per year as determined according to the provisions of Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in 40 CFR §61.245(d).

(5) Cooling towers which are authorized to operate under this General Operating Permit shall not have operated with chromium-based water treatment chemicals on or after September 8, 1994, in accordance with Title 40, Code of Federal Regulations, Part 63 (40 CFR 63), Subpart Q.

(6) Loading and unloading operations authorized to operate under this General Operating Permit shall not include the loading of volatile organic compounds (VOC) with a true vapor pressure greater than 11.0 pounds per square inch absolute (psia) into transport vessels unless the VOC is exempt from all of the control requirements of Chapter 115 of this title.

(7) Emission units in marine terminal loading and unloading operations are not authorized to operate under this General Operating Permit.

(8) For storage vessels, tanks, or containers which are authorized to operate under this General Operating Permit, the following subparagraphs shall apply.

(A) The storage vessels shall not store benzene having a specific gravity within the range of specific gravities specified in American Society for Testing and Materials (ASTM) D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a for Refined Benzene-535, and ASTM D4734-87 for Refined Benzene-545.

(B) Internal or external floating roof vessels must be exempt from all regulatory requirements of Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), Subparts K, Ka, and Kb.

(C) Internal or external floating roof tanks must be exempt from all of the regulatory requirements of Chapter 115 of this title.

(D) Degassing or cleaning of storage tanks greater than one million gallons of storage capacity is not authorized to operate under this general permit.

(E) Storage vessels shall not store waste mixtures of indeterminate or variable composition which are subject to the regulatory requirements of 40 CFR 60, Subpart Kb.

(F) Stored materials shall have a maximum true vapor pressure:

(i) less than or equal to 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts K and Ka;

(ii) less than 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts Kb; and

(iii) less than 11.0 psia, at storage conditions, if stored in vessels or tanks after custody transfer and subject to the regulatory requirements of Chapter 115 of this title.

(9) Boilers and steam generators which are authorized to operate under this General Operating Permit shall only be fired with natural gas, and:

(A) not have a rated capacity greater than 2,500 million British thermal units per hour (MMBtu/hr) and constructed, reconstructed, or modified on or before June 19, 1984;

(B) not exceed 100 MMBtu/hr rated capacity if constructed, reconstructed, or modified after June 19, 1984; or

(C) not have a rated capacity for "opposed-fired," "front-fired," or "tangential-fired" steam generating unit of more than 600,000 pounds per hour maximum continuous steam capacity in Matagorda County. (An "opposed-fired" steam generating unit is defined as a unit having burners installed on two opposite vertical firebox surfaces. A "front-fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface. A "tangential-fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.)

(10) Stationary gas turbines which are authorized to operate under this General Operating Permit shall:

(A) only be fired with pipeline quality natural gas;

(B) not be fired with an emergency fuel;

(C) not be supplied its fuel from an intermediate bulk storage tank;

(D) not use 40 CFR, §60.333(a) as a means to comply with the requirements of 40 CFR 60, Subpart GG;

(E) not exceed the manufacturer's rated base load at International Standards Organization conditions of 30 megawatts if constructed, reconstructed, or modified on or after October 3, 1977; and

(F) not claim the exemption in 40 CFR, §60.332(i).

(11) Emission units subject to the regulatory requirements of 40 CFR 60, Subpart XX are not authorized to operate under this General Operating Permit.

(12) Emission units which are authorized to operate under this General Operating Permit and are subject to Chapter 111 of this title (relating to Control of Air Pollution From Visible Emissions and Particulate Matter) may not claim an exemption from the continuous emission monitoring requirements of §111.111(a)(3) of this title (relating to Requirements for Specified Sources).

(13) Loading racks at a benzene production facility shall not be authorized to operate under this General Operating Permit unless these loading racks load only the following: gasoline, crude oil, natural gas liquids, or petroleum distillates.

(14) Process vents which are authorized to operate under this General Operating Permit shall not be subject to the emission specifications of §115.121(c)(2)-(4) of this title (relating to Emission Specifications) and the control requirements of §115.122(c)(2)-(4) of this title (relating to Control Requirements).

(15) Process heaters and furnaces which are authorized to operate under this General Operating Permit shall only be fired with natural gas.

(b) General provisions.

(1) The owner or operator shall comply with the requirements relating to General Operating Permits which are contained in this chapter.

(2) The owner or operator shall comply with the conditions listed in §122.143 of this title (relating to Permit Conditions).

(3) Except for 40 CFR 63, emission units authorized to operate under this General Operating Permit shall have all applicable requirements codified in subsections (b) or (c) of this section.

(4) The following requirements concerning preconstruction authorizations shall apply.

(A) The requirements of preconstruction authorizations (new source review permits) implemented through Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modification) are not incorporated in this General Operating Permit and will only be enforced through Chapter 116 of this title. For purposes of this subchapter, preconstruction authorizations include new source review permits, standard exemptions, standard permits, flexible permits, special permits, and special exemptions. These preconstruction authorizations shall be

referenced in the General Operating Permit application. Copies of preconstruction authorizations referenced in the General Operating Permit application may be obtained from the appropriate Texas Natural Resource Conservation Commission (TNRCC) regional office or TNRCC central office in Austin.

(B) The requirements of preconstruction authorizations referenced in the General Operating Permit application are not eligible for the Permit Shield provisions in §122.145 of this title (relating to Permit Content).

(5) For any unit subject to any subpart in 40 CFR 60, the owner or operator shall comply with the following unless otherwise stated in the applicable subpart:

(A) Section 60.1 - Applicability;

(B) Section 60.7 - Notification and Recordkeeping;

(C) Section 60.8 - Performance Tests;

(D) Section 60.9 - Availability of Information;

(E) Section 60.11 - Compliance with Standards and Maintenance

Requirements;

(F) Section 60.12 - Circumvention;

(G) Section 60.13 - Monitoring Requirements;

(H) Section 60.14 - Modification;

(I) Section 60.15 - Reconstruction; and

(J) Section 60.19 - General Notification and Reporting Requirements.

(6) The owner or operator shall submit compliance certifications to the commission at least every 12 months and, upon request, to the EPA.

(7) Owners or operators shall comply with the following requirements of Chapter 111 of this title.

(A) Visible emissions from stationary vents constructed on or before January 31, 1972, shall not exceed 30% opacity averaged over a six-minute period as required in §111.111(a)(1)(A) of this title. Compliance with the visible emission standard of §111.111(a)(1)(A) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(B) Visible emissions from stationary vents constructed after January 31, 1972, shall not exceed 20% opacity averaged over a six-minute period as required in §111.111(a)(1)(B) of this title. Compliance with the visible emission standard of §111.111(a)(1)(B) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(C) Visible emissions from structures shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(7)(A) of this title. Compliance with the visible emission standard of §111.111(a)(7)(A) of this title shall be determined as required in §111.111(a)(7)(B)(i) of this title by Test Method 9 (40 CFR 60, Appendix A).

(D) Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in §111.111 of this title for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any ten-day period as required in §111.111(a)(1)(E) of this title. This exemption shall not apply to the emissions mass rate standard, as outlined in §111.151(a) of this title (relating to Allowable Emissions Limits).

(E) Visible emissions from all other sources not specified in §111.111(a)(1), (4), or (7) of this title shall not exceed 30% opacity for any six-minute period from any building,

enclosed facility, or other structure as required in §111.111(a)(8)(A) of this title. Compliance with the visible emission standard of §111.111(a)(8)(A) of this title shall be determined by applying Test Method 9 (40 CFR 60, Appendix A) as required in §111.111(a)(8)(B)(i) of this title.

(F) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR 60, Appendix A) to comply with §111.111(a)(1)(G) of this title shall be accomplished by completing the TNRCC Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

(G) Emission limits on nonagricultural processes are as follows.

(i) Emissions of particulate matter from any source may not exceed the allowable rates specified in Table 1 as required in §111.151(a) of this title. Figure 1: 30 TAC

§122.513(b)(7)(G)(i)

(ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), as determined from Table 2, must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in §111.151(b) of this title. Figure 2: 30 TAC

§122.513(b)(7)(G)(ii)

(iii) Effective stack height shall be calculated by the following equation as required in §111.151(c) of this title. Figure 3: 30 TAC §122.513(b)(7)(G)(iii)

(H) Open burning, as stated in §111.201 of this title (relating to General Prohibition), shall not be authorized unless the following requirements are satisfied:

(i) Section 111.205 of this title (relating to Exception for Fire Training);

(ii) Section 111.209(3) of this title (relating to Exception for Disposal Fires);

(iii) Section 111.213 of this title (relating to Exception for Hydrocarbon Burning);

(iv) Section 111.219 of this title (relating to General Requirements for Allowable Outdoor Burning); and

(v) Section 111.221 of this title (relating to Responsibility for Consequences of Outdoor Burning).

(J) Abrasive blasting of water storage tanks performed by portable operations shall not be authorized unless the following requirements are satisfied:

(i) Section 111.133(a)(1) and (2), (b), and (c) of this title (relating to Testing Requirements);

(ii) Section 111.135(a), (b), and (c)(1)-(4) of this title (relating to Control Requirements for Surfaces with Coatings Containing Lead);

(iii) Section 111.137(a), (b)(1)-(4), and (c) of this title (relating to Control Requirements for Surfaces with Coatings Containing Less than 1.0% Lead); and

(iv) Section 111.139(a) and (b) of this title (relating to Exemptions).

(8) For covered processes subject to Title 40, Code of Federal Regulations, Part 68 (40 CFR 68) and specified in 40 CFR, §68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR 68. The owner or operator shall submit to the appropriate agency, either a compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR, §68.10(a), or as part of the compliance certification submitted under §122.143(4) of this title, a certification statement that the source is in compliance with all requirements of 40 CFR 68, including the registration and submission of a risk management plan. This general provision is enforceable only by the Administrator of the EPA.

(9) Owners and operators of a site subject to Title VI of the FCAA shall meet the following requirements for protection of stratospheric ozone which are enforceable only by the Administrator of the EPA.

(A) Operation, servicing, maintenance, and repair on refrigeration and non-motor vehicle air conditioning appliances using ozone-depleting refrigerants on-site shall be conducted in accordance with Title 40, Code of Federal Regulations, Part 82 (40 CFR 82), Subpart F. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart F.

(B) Servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR 82, Subpart B. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart B.

(10) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only comply with the requirements of 40 CFR, §60.333(b) for fuel sulfur content.

(11) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only fire natural gas and may be allowed to utilize a custom fuel monitoring schedule, as an alternative provided for under 40 CFR, §60.334(b)(2), as long as the provisions are at least as stringent as the following.

(A) Monitoring of fuel nitrogen is not required while pipeline quality natural gas is the only fuel fired in the gas turbine.

(B) The fuel supplier or suppliers shall be identified for the record during turbine startup, and at any time that the fuel supplier or suppliers change.

(C) Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM Test Methods for the measurement of sulfur in gaseous fuels, as referenced in 40 CFR, §60.335(d), or the Gas Processors Association (GPA) test method entitled "Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes." The test methods are listed as follows:

(i) ASTM D1072-80;

(ii) ASTM D3031-81;

(iii) ASTM D3246-81;

(iv) ASTM D4084-82; or

(v) GPA Standard 2377-86.

(D) The owner or operator of a gas turbine who is not currently utilizing an approved custom fuel monitoring schedule shall be required to initially sample the fuel supply daily for a period of two weeks to establish, after turbine startup, that the pipeline quality natural gas fuel supply is low in sulfur content.

(E) After the monitoring required in subparagraph (D) of this paragraph, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR, §60.333(b), then sulfur monitoring shall be conducted once per quarter for six quarters.

(F) If after the monitoring required in subparagraph (E) of this paragraph, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR, §60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.

(G) Should any sulfur analysis as required in subparagraphs (E) or (F) of this paragraph indicate noncompliance with 40 CFR, §60.333, the owner or operator shall notify the commission within two weeks of such excess emissions. The commission will then reexamine the custom schedule. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

(H) If there is a change in fuel supply (supplier), the owner or operator shall be required to sample the fuel daily for a period of two weeks to re-establish for the record that the fuel supply is low in sulfur content. If the fuel supply's low sulfur content is re-established, then the custom fuel monitoring schedule can be resumed.

(I) Stationary gas turbines that use the same supply of pipeline quality natural gas to fuel multiple gas turbines may monitor the fuel sulfur content at a single common location.

(J) Applicants shall attach the custom fuel monitoring schedule to their General Operating Permit application.

(K) Compliance with the provisions of this paragraph fulfills the requirement that custom schedules be approved by the Administrator, as required by 40 CFR, §60.334(b)(2), before being used as an alternative means of compliance.

(12) Stationary gas turbines using water or steam injection need not comply with the nitrogen oxide control requirements of 40 CFR, §60.332(a) during conditions when ice fog is deemed a traffic hazard by the owner or operator of the stationary gas turbine.

(13) The owner or operator of sites subject to the provisions of this chapter that are affected by the requirements of the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title (relating to Volatile Organic Compound Transfer

Operations), shall comply with §115.212(c)(2) and (3)(C) of this title (relating to Control Requirements).

(14) The owner or operator shall keep records as required in 40 CFR, §61.246(i) if claiming the exemption in 40 CFR, §61.110(c)(2), pertaining to National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(15) The owner or operator of a sweetening unit with a design capacity greater than or equal to 2.0 long tons per day (LTPD) that operates at less than 2.0 LTPD, may choose to limit the sulfur feed rate, i.e., the hydrogen sulfide (H<sub>2</sub>S) in the acid gas (expressed as sulfur) from the sweetening unit, to less than 2.0 LTPD. For those owners or operators who choose to do so, the requirements of §122.511(b)(18) of this title (relating to Oil and Gas General Operating Permit - Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties) shall apply.

(16) Owners or operators who claim any of the exemptions stated 40 CFR, §60.332(e), (g), (h), (j), or (l) shall maintain records to prove their exemption status in lieu of performing the monitoring, recordkeeping, reporting, and testing requirements specified in 40 CFR 60, Subpart GG. Compliance with this paragraph is deemed compliance with the nitrogen oxide emission limit's monitoring, recordkeeping, reporting, and testing requirements of 40 CFR 60, Subpart GG in accordance with the Permit Shield provisions in §122.145 of this title.

(17) Upon the granting of this General Operating Permit, detailed applicability determinations and the underlying basis for those determinations in the General Operating Permit application submitted to comply with the requirements of this chapter shall become conditions under which the owner or operator shall operate.

(c) Permit tables.

(1) The permit table which lists the requirements for Stationary Gas Turbines affected by 40 CFR 60, Subpart GG is contained in §122.511(c)(1) of this title.

(2) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subparts K and Ka is contained in §122.511(c)(2) of this title.

(3) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Kb is contained in §122.511(c)(3) of this title.

(4) The following permit table lists the requirements for Storage Vessels affected by Chapter 115 of this title. Figure 4: 30 TAC §122.513(c)(4)

(5) The permit table which lists the requirements for Gas Sweetening Units Not Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(5) of this title.

(6) The permit table which lists the requirements for Natural Gas Processing Plant Fugitive Emissions affected by 40 CFR 60, Subpart KKK is contained in §122.511(c)(6) of this title.

(7) The permit table which lists the requirements for Flares affected by 40 CFR 60, Subpart A is contained in §122.511(c)(8) of this title.

(8) The permit table which lists the requirements for Flares affected by Chapter 111 of this title is contained in §122.511(c)(9) of this title.

(9) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(10) of this title.

(10) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by Chapter 112 of this title (relating to Sulfur Compounds) is contained in §122.511(c)(11) of this title.

(11) The permit table which lists the requirements for Stationary Vents affected by Chapter 111 of this title is contained in §122.511(c)(12) of this title.

(12) The following permit table lists the requirements for Stationary Vents affected by Chapter 115 of this title. Figure 5 : 30 TAC §122.513(c)(12)

(13) The permit table which lists the requirements for Boilers/Steam Generators affected by 40 CFR 60, Subparts Db and Dc is contained in §122.511(c)(15) of this title.

(14) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations affected by Chapter 115 of this title. Figure 6: 30 TAC §122.513(c)(14)

(15) The following permit table lists the requirements for VOC Water Separators affected by Chapter 115 of this title. Figure 7: 30 TAC §122.513(c)(15)

**§122.514. Oil and Gas General Operating Permit - All Texas Counties Except for Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, San Patricio, Tarrant, Travis, Victoria, and Waller Counties.**

(a) Qualification criteria. Emission units authorized to operate under this General Operating Permit shall meet each of the following criteria.

(1) Emission units which are authorized to operate under this General Operating Permit shall not have a federal prevention of significant deterioration permit or a federal nonattainment permit.

(2) Emission units which are authorized to operate under this General Operating Permit shall not use an alternative means of compliance which must be approved by the executive director of the commission or the Administrator of the United States Environmental Protection Agency (EPA).

(3) At the time of application submittal, emission units which are authorized to operate under this General Operating Permit shall be in compliance with all requirements as stated in subsections (b) and (c) of this section.

(4) Equipment in benzene service is not authorized to operate under this General Operating Permit unless the plant site is designed to produce or use less than 1,000 megagrams (1,100 tons) of benzene per year as determined according to the provisions of Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in 40 CFR, §61.245(d).

(5) Cooling towers which are authorized to operate under this General Operating Permit shall not have operated with chromium-based water treatment chemicals on or after September 8, 1994, in accordance with Title 40, Code of Federal Regulations, Part 63 (40 CFR 63), Subpart Q.

(6) For storage vessels, tanks, or containers which are authorized to operate under this General Operating Permit, the following subparagraphs shall apply.

(A) The storage vessels shall not store benzene having a specific gravity within the range of specific gravities specified in American Society for Testing and Materials (ASTM) D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a for Refined Benzene-535, and ASTM D4734-87 for Refined Benzene-545.

(B) Internal or external floating roof vessels must be exempt from all regulatory requirements of Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), Subparts K, Ka, and Kb.

(C) Storage vessels shall not store waste mixtures of indeterminate or variable composition which are subject to the regulatory requirements of 40 CFR 60, Subpart Kb.

(D) Stored materials shall have a maximum true vapor pressure:

(i) less than or equal to 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts K and Ka; and

(ii) less than 11.1 psia, at storage conditions, if stored in vessels or tanks subject to the regulatory requirements of 40 CFR 60, Subparts Kb.

(7) Boilers and steam generators which are authorized to operate under this General Operating Permit shall only be fired with natural gas, and:

(A) not have a rated capacity greater than 2,500 million British thermal units per hour (MMBtu/hr) and constructed, reconstructed, or modified on or before June 19, 1984;

(B) not exceed 100 MMBtu/hr rated capacity if constructed, reconstructed, or modified after June 19, 1984; or

(C) not have a rated capacity for "opposed-fired," "front-fired," or "tangential-fired" steam generating unit of more than 600,000 pounds per hour maximum continuous steam capacity in Austin, Colorado, Cooke, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Wharton, and Wise Counties. (An "opposed-fired" steam generating unit is defined as a unit having burners installed on two opposite vertical firebox surfaces. A "front-fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface. A "tangential-fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.)

(8) Stationary gas turbines which are authorized to operate under this General Operating Permit shall:

(A) only be fired with pipeline quality natural gas;

(B) not be fired with an emergency fuel;

(C) not be supplied its fuel from an intermediate bulk storage tank;

(D) not use 40 CFR, §60.333(a) as a means to comply with the requirements of 40 CFR 60, Subpart GG;

(E) not exceed the manufacturer's rated base load at International Standards Organization conditions of 30 megawatts if constructed, reconstructed, or modified on or after October 3, 1977; and

(F) not claim the exemption in 40 CFR, §60.332(i).

(9) Emission units subject to the regulatory requirements of 40 CFR 60, Subpart XX are not authorized to operate under this General Operating Permit.

(10) Emission units which are authorized to operate under this General Operating Permit and are subject to Chapter 111 of this title (relating to Control of Air Pollution From Visible Emissions and Particulate Matter) may not claim an exemption from the continuous emission monitoring requirements of §111.111(a)(3) of this title (relating to Requirements for Specified Sources).

(11) Loading racks at a benzene production facility shall not be authorized to operate under this General Operating Permit unless these loading racks load only the following: gasoline, crude oil, natural gas liquids, or petroleum distillates.

(12) Process heaters and furnaces which are authorized to operate under this General Operating Permit shall only be fired with natural gas.

(b) General provisions.

(1) The owner or operator shall comply with the requirements relating to General Operating Permits which are contained in this chapter.

(2) The owner or operator shall comply with the conditions listed in §122.143 of this title (relating to Permit Conditions).

(3) Except for 40 CFR 63, emission units authorized to operate under this General Operating Permit shall have all applicable requirements codified in subsections (b) or (c) of this section.

(4) The following requirements concerning preconstruction authorizations shall apply.

(A) The requirements of preconstruction authorizations (new source review permits) implemented through Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modification) are not incorporated in this General Operating Permit and will only be enforced through Chapter 116 of this title. For purposes of this subchapter, preconstruction authorizations include new source review permits, standard exemptions, standard permits, flexible permits, special permits, and special exemptions. These preconstruction authorizations shall be

referenced in the General Operating Permit application. Copies of preconstruction authorizations referenced in the General Operating Permit application may be obtained from the appropriate Texas Natural Resource Conservation Commission (TNRCC) regional office or TNRCC central office in Austin.

(B) The requirements of preconstruction authorizations referenced in the General Operating Permit application are not eligible for the Permit Shield provisions in §122.145 of this title (relating to Permit Content).

(5) For any unit subject to any subpart in 40 CFR 60, the owner or operator shall comply with the following unless otherwise stated in the applicable subpart:

(A) Section 60.1 - Applicability;

(B) Section 60.7 - Notification and Recordkeeping;

(C) Section 60.8 - Performance Tests;

(D) Section 60.9 - Availability of Information;

(E) Section 60.11 - Compliance with Standards and Maintenance

Requirements;

(F) Section 60.12 - Circumvention;

(G) Section 60.13 - Monitoring Requirements;

(H) Section 60.14 - Modification;

(I) Section 60.15 - Reconstruction; and

(J) Section 60.19 - General Notification and Reporting Requirements.

(6) The owner or operator shall submit compliance certifications to the commission at least every 12 months and, upon request, to the EPA.

(7) Owners or operators shall comply with the following requirements of Chapter 111 of this title.

(A) Visible emissions from stationary vents constructed on or before January 31, 1972, shall not exceed 30% opacity averaged over a six-minute period as required in §111.111(a)(1)(A) of this title. Compliance with the visible emission standard of §111.111(a)(1)(A) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(B) Visible emissions from stationary vents constructed after January 31, 1972, shall not exceed 20% opacity averaged over a six-minute period as required in §111.111(a)(1)(B) of this title. Compliance with the visible emission standard of §111.111(a)(1)(B) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(C) Visible emissions from structures shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(7)(A) of this title. Compliance with the visible emission standard of §111.111(a)(7)(A) of this title shall be determined as required in §111.111(a)(7)(B)(i) of this title by Test Method 9 (40 CFR 60, Appendix A).

(D) Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in §111.111 of this title for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any ten-day period as required in §111.111(a)(1)(E) of this title. This exemption shall not apply to the emissions mass rate standard, as outlined in §111.151(a) of this title (relating to Allowable Emissions Limits).

(E) Visible emissions from all other sources not specified in §111.111(a)(1), (4), or (7) of this title shall not exceed 30% opacity for any six-minute period from any building,

enclosed facility, or other structure as required in §111.111(a)(8)(A) of this title. Compliance with the visible emission standard of §111.111(a)(8)(A) of this title shall be determined by applying Test Method 9 (40 CFR 60, Appendix A) as required in §111.111(a)(8)(B)(i) of this title.

(F) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR 60, Appendix A) to comply with §111.111(a)(1)(G) of this title shall be accomplished by completing the TNRCC Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

(G) Emission limits on nonagricultural processes are as follows.

(i) Emissions of particulate matter from any source may not exceed the allowable rates specified in Table 1 as required in §111.151(a) of this title. Figure 1 : 30 TAC

§122.514(b)(7)(G)(i)

(ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), as determined from Table 2, must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in §111.151(b) of this title. Figure 2 : 30 TAC

§122.514(b)(7)(G)(ii)

(iii) Effective stack height shall be calculated by the following equation as required in §111.151(c) of this title: Figure 3 : 30 TAC §122.514(b)(7)(G)(iii)

(H) Open burning, as stated in §111.201 of this title (relating to General Prohibition), shall not be authorized unless the following requirements are satisfied:

(i) Section 111.205 of this title (relating to Exception for Fire Training);

(ii) Section 111.209(3) of this title (relating to Exception for Disposal Fires);

(iii) Section 111.213 of this title (relating to Exception for Hydrocarbon Burning);

(iv) Section 111.219 of this title (relating to General Requirements for Allowable Outdoor Burning); and

(v) Section 111.221 of this title (relating to Responsibility for Consequences of Outdoor Burning).

(I) Abrasive blasting of water storage tanks performed by portable operations shall not be authorized unless the following requirements are satisfied:

(i) Section 111.133(a)(1) and (2), (b), and (c) of this title (relating to Testing Requirements);

(ii) Section 111.135(a), (b), and (c)(1)-(4) of this title (relating to Control Requirements for Surfaces with Coatings Containing Lead);

(iii) Section 111.137(a), (b)(1)-(4), and (c) of this title (relating to Control Requirements for Surfaces with Coatings Containing Less than 1.0% Lead); and

(iv) Section 111.139(a) and (b) of this title (relating to Exemptions).

(8) For covered processes subject to Title 40, Code of Federal Regulations, Part 68 (40 CFR 68) and specified in 40 CFR, §68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR 68. The owner or operator shall submit to the appropriate agency, either a compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR, §68.10(a), or as part of the compliance certification submitted under §122.143(4) of this title, a certification statement that the source is in compliance with all requirements of 40 CFR 68, including the registration and submission of a risk management plan. This general provision is enforceable only by the Administrator of the EPA.

(9) Owners and operators of a site subject to Title VI of the FCAA shall meet the following requirements for protection of stratospheric ozone which are enforceable only by the Administrator of the EPA.

(A) Operation, servicing, maintenance, and repair on refrigeration and non-motor vehicle air conditioning appliances using ozone-depleting refrigerants on-site shall be conducted in accordance with Title 40, Code of Federal Regulations, Part 82 (40 CFR 82), Subpart F. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart F.

(B) Servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR 82, Subpart B. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart B.

(10) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only comply with the requirements of 40 CFR, §60.333(b) for fuel sulfur content.

(11) Stationary gas turbines subject to 40 CFR 60, Subpart GG shall only fire natural gas and may be allowed to utilize a custom fuel monitoring schedule, as an alternative provided for under 40 CFR, §60.334(b)(2), as long as the provisions are at least as stringent as the following.

(A) Monitoring of fuel nitrogen is not required while pipeline quality natural gas is the only fuel fired in the gas turbine.

(B) The fuel supplier or suppliers shall be identified for the record during turbine startup, and at any time that the fuel supplier or suppliers change.

(C) Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM Test Methods for the measurement of sulfur in gaseous fuels, as referenced in 40 CFR, §60.335(d), or the Gas Processors Association (GPA) test method entitled "Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes." The test methods are listed as follows:

(i) ASTM D1072-80;

(ii) ASTM D3031-81;

(iii) ASTM D3246-81;

(iv) ASTM D4084-82; or

(v) GPA Standard 2377-86.

(D) The owner or operator of a gas turbine who is not currently utilizing an approved custom fuel monitoring schedule shall be required to initially sample the fuel supply daily for a period of two weeks to establish, after turbine startup, that the pipeline quality natural gas fuel supply is low in sulfur content.

(E) After the monitoring required in subparagraph (D) of this paragraph, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR, §60.333(b), then sulfur monitoring shall be conducted once per quarter for six quarters.

(F) If after the monitoring required in subparagraph (E) of this paragraph, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR, §60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.

(G) Should any sulfur analysis as required in subparagraphs (E) or (F) of this paragraph indicate noncompliance with 40 CFR, §60.333, the owner or operator shall notify the commission within two weeks of such excess emissions. The commission will then reexamine the custom schedule. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

(H) If there is a change in fuel supply (supplier), the owner or operator shall be required to sample the fuel daily for a period of two weeks to re-establish for the record that the fuel supply is low in sulfur content. If the fuel supply's low sulfur content is re-established, then the custom fuel monitoring schedule can be resumed.

(I) Stationary gas turbines that use the same supply of pipeline quality natural gas to fuel multiple gas turbines may monitor the fuel sulfur content at a single common location.

(J) Applicants shall attach the custom fuel monitoring schedule to their General Operating Permit application.

(K) Compliance with the provisions of this paragraph fulfills the requirement that custom schedules be approved by the Administrator, as required by 40 CFR, §60.334(b)(2), before being used as an alternative means of compliance.

(12) Stationary gas turbines using water or steam injection need not comply with the nitrogen oxide control requirements of 40 CFR, §60.332(a) during conditions when ice fog is deemed a traffic hazard by the owner or operator of the stationary gas turbine.

(13) The owner or operator shall keep records as required in 40 CFR, §61.246(i) if claiming the exemption in 40 CFR, §61.110(c)(2), pertaining to National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(14) The owner or operator of a sweetening unit with a design capacity greater than or equal to 2.0 long tons per day (LTPD) that operates at less than 2.0 LTPD, may choose to limit the sulfur feed rate, i.e., the hydrogen sulfide (H<sub>2</sub>S) in the acid gas (expressed as sulfur) from the sweetening unit, to less than 2.0 LTPD. For those owners or operators who choose to do so, the requirements of §122.511(b)(18) of this title (relating to Oil and Gas General Operating Permit - Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties) shall apply.

(15) Owners or operators who claim any of the exemptions stated 40 CFR, §60.332(e), (g), (h), (j), or (l) shall maintain records to prove their exemption status in lieu of performing the monitoring, recordkeeping, reporting, and testing requirements specified in 40 CFR 60, Subpart GG. Compliance with this paragraph is deemed compliance with the nitrogen oxide emission limit's monitoring, recordkeeping, reporting, and testing requirements of 40 CFR 60, Subpart GG in accordance with the Permit Shield provisions in §122.145 of this title.

(16) Upon the granting of this General Operating Permit, detailed applicability determinations and the underlying basis for those determinations in the General Operating Permit application submitted to comply with the requirements of this chapter shall become conditions under which the owner or operator shall operate.

(c) Permit tables.

(1) The permit table which lists the requirements for Stationary Gas Turbines affected by 40 CFR 60, Subpart GG is contained in §122.511(c)(1) of this title.

(2) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subparts K and Ka is contained in §122.511(c)(2) of this title.

(3) The permit table which lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Kb is contained in §122.511(c)(3) of this title.

(4) The permit table which lists the requirements for Gas Sweetening Units Not Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(5) of this title.

(5) The permit table which lists the requirements for Natural Gas Processing Plant Fugitive Emissions affected by 40 CFR 60, Subpart KKK is contained in §122.511(c)(6) of this title.

(6) The permit table which lists the requirements for Flares affected by 40 CFR 60, Subpart A is contained in §122.511(c)(8) of this title.

(7) The permit table which lists the requirements for Flares affected by Chapter 111 of this title is contained in §122.511(c)(9) of this title.

(8) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by 40 CFR 60, Subpart LLL is contained in §122.511(c)(10) of this title.

(9) The permit table which lists the requirements for Gas Sweetening Units Utilizing Sulfur Recovery affected by Chapter 112 of this title (relating to Sulfur Compounds) is contained in §122.511(c)(11) of this title.

(10) The permit table which lists the requirements for Stationary Vents affected by Chapter 111 of this title is contained in §122.511(c)(12) of this title.

(11) The permit table which lists the requirements for Boilers/Steam Generators affected by 40 CFR 60, Subparts Db and Dc is contained in §122.511(c)(15) of this title.

**§122.515. Bulk Fuel Storage Terminal General Operating Permit.**

(a) Qualification criteria. Emission units authorized to operate under this General Operating Permit shall meet each of the following criteria.

(1) Emission units which are authorized to operate under this General Operating Permit shall not have a federal prevention of significant deterioration permit or a federal nonattainment permit.

(2) Emission units which are authorized to operate under this General Operating Permit shall not use an alternative means of compliance which must be approved by the executive director of the commission or the Administrator of the United States Environmental Protection Agency (EPA).

(3) At the time of application submittal, emission units which are authorized to operate under this General Operating Permit shall be in compliance with all requirements as stated in subsections (b) and (c) of this section.

(4) Loading racks at a benzene production facility or bulk terminal shall not be authorized to operate under this General Operating Permit unless these loading racks load only the following: gasoline, crude oil, natural gas liquids, or petroleum distillates.

(5) Emission units in marine terminal loading and unloading operations are not authorized to operate under this General Operating Permit.

(6) For storage vessels, tanks, or containers which are authorized to operate under this General Operating Permit:

(A) the storage vessels shall not store benzene having a specific gravity within the range of specific gravities specified in American Society for Testing and Materials (ASTM) D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a for Refined Benzene-535, and ASTM D4734-87 for Refined Benzene-545; or

(B) petroleum liquid, condensate, crude oil, or volatile organic liquid shall not be stored prior to custody transfer.

(7) Degreasing operations which are authorized under this General Operating Permit and located on any property in Gregg, Nueces, or Victoria Counties shall not emit, when uncontrolled, a combined weight of volatile organic compounds (VOC) greater than or equal to 550 pounds in any consecutive 24-hour period.

(8) Degreasing operations which are authorized to operate under this General Operating Permit shall not utilize the following:

(A) a VOC for open-top vapor or conveyORIZED degreasing in counties where the regulatory requirements of Chapter 115 of this title (relating to Control of Air Pollution From Volatile Organic Compounds) are applicable; or

(B) individual batch vapor, in-line vapor, in-line cold, or batch cold solvent cleaning machines subject to the regulatory requirements of Title 40, Code of Federal Regulations, Part 63, Subpart T.

(9) VOC water separators which are authorized to operate under this General Operating Permit and are located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas, shall not have been subject to the control requirements of

§115.132(a)(1)-(3) of this title (relating to Control Requirements) at any time since July 17, 1991, which later were exempted from these control requirements by satisfying the conditions of §115.132(a)(4)(A) and (B) of this title.

(10) VOC loading/unloading which is authorized to operate under this General Operating Permit and occurs in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas, shall not have been subject to the control requirements of §115.212(a)(2) and (4)-(6) of this title (relating to Control Requirements) at any time since November 15, 1996, which later were exempted from these control requirements by satisfying the conditions of §115.212(a)(12) of this title.

(11) Emission units which are authorized to operate under this General Operating Permit and are subject to Chapter 111 of this title (relating to Control of Air Pollution From Visible Emissions and Particulate Matter) may not claim an exemption from the continuous emission monitoring requirements of §111.111(a)(3) of this title (relating to Requirements for Specified Sources).

(12) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit shall not emit, when uncontrolled, the following:

(A) a combined weight of VOC greater than or equal to three pounds per hour and 15 pounds in any consecutive 24-hour period at sites located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas; or

(B) a combined weight of VOC greater than or equal to 550 pounds (249.5 kilograms) in any consecutive 24-hour period at sites located in Gregg, Nueces, or Victoria Counties.

(13) Equipment in benzene service is not authorized to operate under this General Operating Permit unless the plant site is designed to produce or use less than 1,000 megagrams (1,100 tons) of benzene per year as determined according to the provisions of Title 40, Code of Federal Regulations, Part 61 (40 CFR 61) in 40 CFR, §61.245(d).

(14) Process vents which are authorized to operate under this General Operating Permit and are located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas shall not have been subject to the emission specifications of §115.121(a)(1) of this title (relating to Emission Specifications) and the control requirements of §115.122(a)(1) of this title (relating to Control Requirements) at any time since July 17, 1991, which later were exempted from control requirements by satisfying the conditions of §115.122(a)(4)(A) and (B) of this title.

(b) General provisions.

(1) The owner or operator shall comply with the requirements relating to General Operating Permits which are contained in this chapter.

(2) The owner or operator shall comply with the conditions listed in §122.143 of this title (relating to Permit Conditions).

(3) Except for Title 40, Code of Federal Regulations, Part 63, emission units authorized to operate under this General Operating Permit shall have all applicable requirements codified in subsections (b) or (c) of this section.

(4) The following requirements concerning preconstruction authorizations shall apply.

(A) The requirements of preconstruction authorizations (new source review permits) implemented through Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modification) are not incorporated in this General Operating Permit and will only be enforced through Chapter 116 of this title. For purposes of this subchapter, preconstruction authorizations include new source review permits, standard exemptions, standard permits, flexible permits, special permits, and special exemptions. These preconstruction authorizations shall be referenced in the General Operating Permit application. Copies of preconstruction authorizations referenced in the General Operating Permit application may be obtained from the appropriate Texas Natural Resource Conservation Commission (TNRCC) regional office or TNRCC central office in Austin.

(B) The requirements of preconstruction authorizations referenced in the General Operating Permit application are not eligible for the Permit Shield provisions in §122.145 of this title (relating to Permit Content).

(5) For any unit subject to any subpart in Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), the owner or operator shall comply with the following unless otherwise stated in the applicable subpart:

(A) Section 60.1 - Applicability;

(B) Section 60.7 - Notification and Recordkeeping;

(C) Section 60.8 - Performance Tests;

(D) Section 60.9 - Availability of Information;

(E) Section 60.11 - Compliance with Standards and Maintenance

Requirements;

(F) Section 60.12 - Circumvention;

(G) Section 60.13 - Monitoring Requirements;

(H) Section 60.14 - Modification;

(I) Section 60.15 - Reconstruction; and

(J) Section 60.19 - General Notification and Reporting Requirements.

(6) The owner or operator shall submit compliance certifications to the commission at least every 12 months and, upon request, to the EPA.

(7) Owners or operators shall comply with the following requirements of Chapter 111 of this title.

(A) Visible emissions from stationary vents constructed on or before January 31, 1972, shall not exceed 30% opacity averaged over a six-minute period as required in §111.111(a)(1)(A) of this title. Compliance with the visible emission standard of §111.111(a)(1)(A) of this title shall be determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(B) Visible emissions from stationary vents constructed after January 31, 1972, shall not exceed 20% opacity averaged over a six-minute period as required in §111.111(a)(1)(B) of this title. Compliance with the visible emission standard of §111.111(a)(1)(B) of this title shall be

determined as required in §111.111(a)(1)(F)(ii) of this title by Test Method 9 (40 CFR 60, Appendix A), or as required in §111.111(a)(1)(F)(iii) of this title by Alternate Method 1 to Method 9, Light Detection and Ranging (40 CFR 60, Appendix A).

(C) Visible emissions from structures shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(7)(A) of this title. Compliance with the visible emission standard of §111.111(a)(7)(A) of this title shall be determined as required in §111.111(a)(7)(B)(i) of this title by Test Method 9 (40 CFR 60, Appendix A).

(D) Visible emissions from all other sources not specified in §111.111(a)(1), (4), or (7) of this title shall not exceed 30% opacity for any six-minute period from any building, enclosed facility, or other structure as required in §111.111(a)(8)(A) of this title. Compliance with the visible emission standard of §111.111(a)(8)(A) of this title shall be determined by applying Test Method 9 (40 CFR 60, Appendix A) as required in §111.111(a)(8)(B)(i) of this title.

(E) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR 60, Appendix A) to comply with §111.111(a)(1)(G) of this title shall be accomplished by completing the TNRCC Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

(F) Emission limits on nonagricultural processes are as follows.

(i) Emissions of particulate matter from any source may not exceed the allowable rates specified in Table 1 as required in §111.151(a) of this title (relating to Allowable Emissions Limits). Figure 1: 30 TAC §122.515(b)(7)(F)(i)

(ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), as determined from Table 2, must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in §111.151(b) of this title. Figure 2 : 30 TAC §122.515(b)(7)(F)(ii)

(iii) Effective stack height shall be calculated by the following equation as required in §111.151(c) of this title: Figure 3 : 30 TAC §122.515(b)(7)(F)(iii)

(G) Open burning, as stated in §111.201 of this title (relating to General Prohibition), shall not be authorized unless the following requirements are satisfied:

(i) Section 111.205 of this title (relating to Exception for Fire Training);

(ii) Section 111.209(3) of this title (relating to Exception for Disposal Fires);

(iii) Section 111.213 of this title (relating to Exception for Hydrocarbon Burning);

(iv) Section 111.219 of this title (relating to General Requirements for Allowable Outdoor Burning); and

(v) Section 111.221 of this title (relating to Responsibility for Consequences of Outdoor Burning).

(H) Owners or operators of sites subject to the provisions of this chapter in which the sites have Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots shall comply with the requirements of §§111.143, 111.145, 111.147, and 111.149 of this title (relating to Materials Handling; Construction and Demolition; Roads, Streets, and Alleys; and Parking Lots) if they are located in the following areas:

(i) the City of El Paso, including the Fort Bliss Military Reservation, except for training areas as referenced in §111.141 of this title (relating to Geographic Areas of Application and Date of Compliance);

(ii) the area of Harris County located inside Beltway 8 (Sam Houston Tollway); or

(iii) the area of Nueces County outlined in the Group II State

Implementation Plan for Inhalable Particulate Matter.

(I) Abrasive blasting of water storage tanks performed by portable operations shall not be authorized unless the following requirements are satisfied:

(i) Section 111.133(a)(1) and (2), (b), and (c) of this title (relating to Testing Requirements);

(ii) Section 111.135(a), (b), and (c)(1)-(4) of this title (relating to Control Requirements for Surfaces with Coatings Containing Lead);

(iii) Section 111.137(a), (b)(1)-(4), and (c) of this title (relating to Control Requirements for Surfaces with Coatings Containing Less than 1.0% Lead); and

(iv) Section 111.139(a) and (b) of this title (relating to Exemptions).

(8) The owner or operator of sites subject to the provisions of this chapter that are affected by the requirements of Chapter 115, Subchapter C of this title (relating to Volatile Organic Compound Transfer Operations) shall comply with the following.

(A) The requirements in the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title for the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas are as follows:

(i) Section 115.212(a)(4), (5)(D), (8)(C), (9)(A), (9)(C), and (12) of this title;

(ii) Section 115.214(a)(3) of this title (relating to Inspection Requirements);

(iii) Section 115.215(a) of this title (relating to Approved Test Methods); and

(iv) Section 115.216(a)(3)(A) - (C) and (4)(A) - (C) of this title (relating to Monitoring and Recordkeeping Requirements).

(B) The requirements of the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title for Gregg, Nueces, and Victoria Counties are as follows:

(i) Section 115.212(b)(2) and (3)(C) of this title;

(ii) Section 115.215(b) of this title; and

(iii) Section 115.216(b)(3)(A) of this title.

(C) The requirements of the undesignated head Loading and Unloading of Volatile Organic Compounds in Chapter 115, Subchapter C of this title for Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties are §115.212(c)(2) and (3)(C) of this title.

(D) The requirements in the undesignated head Filling of Gasoline Storage Vessels (Stage I) For Motor Vehicle Fuel Dispensing Facilities in Chapter 115, Subchapter C of this title for the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas are as follows:

(i) Section 115.221 of this title (relating to Emission Specifications);

(ii) Section 115.222 of this title (relating to Control Requirements);

(iii) Section 115.224 of this title (relating to Inspection Requirements);

(iv) Section 115.225(1)-(5) of this title (relating to Testing Requirements);

(v) Section 115.226 of this title (relating to Recordkeeping Requirements); and

(vi) Section 115.227 of this title (relating to Exemptions).

(E) The requirements in the undesignated head Control of Volatile Organic Compound Leaks From Transport Vessels in Chapter 115, Subchapter C of this title for the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas are as follows:

(i) Section 115.234 of this title (relating to Inspection Requirements);

(ii) Section 115.235(1), (2), (3)(A), and (4) of this title (relating to Approved Test Methods);

(iii) Section 115.236 of this title (relating to Recordkeeping Requirements); and

(iv) Section 115.237 of this title (relating to Exemptions).

(F) The requirements in the undesignated head Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities in Chapter 115, Subchapter C of this

title for the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas are as follows:

- (i) Section 115.241 of this title (relating to Emission Specifications);
- (ii) Section 115.242 of this title (relating to Control Requirements);
- (iii) Section 115.244 of this title (relating to Inspection Requirements);
- (iv) Section 115.245(1), (2), (3), (5), and (6) of this title (relating to Testing Requirements);
- (v) Section 115.246 of this title (relating to Recordkeeping Requirements); and
- (vi) Section 115.247 of this title (relating to Exemptions).

(G) The requirements in the undesignated head Control of Reid Vapor Pressure of Gasoline in Chapter 115, Subchapter C of this title for the El Paso ozone nonattainment area are as follows:

- (i) Section 115.252 of this title (relating to Control Requirements);

(ii) Section 115.255 of this title (relating to Approved Test Methods);

(iii) Section 115.256 of this title (relating to Recordkeeping Requirements); and

(iv) Section 115.257 of this title (relating to Exemptions).

(9) For the degassing or cleaning of stationary and transport vessels located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas, the owner or operator shall comply with the requirements of Chapter 115, Subchapter F of this title (relating to Miscellaneous Industrial Sources), as follows:

(A) for the degassing or cleaning of stationary volatile organic compound storage vessels with a nominal capacity of one million gallons or more, comply with the following requirements:

(i) Section 115.541(a)(1) of this title (relating to Emission Specifications);

(ii) Section 115.542(a) of this title (relating to Control Requirements);

(iii) Section 115.544 of this title (relating to Inspection Requirements);

(iv) Section 115.545(1)-(9) of this title (relating to Approved Test Methods);

(v) Section 115.546 of this title (relating to Monitoring and Recordkeeping Requirements); and

(vi) Section 115.547 of this title (relating to Exemptions);

(B) for the degassing or cleaning of all transport vessels with a nominal capacity of 8,000 gallons or more, comply with the following requirements:

(i) Section 115.541(a)(2) of this title;

(ii) Section 115.542(a) of this title;

(iii) Section 115.544 of this title;

(iv) Section 115.545(1)-(9) of this title;

(v) Section 115.546 of this title; and

(vi) Section 115.547 of this title.

(10) For emission units located in the Houston/Galveston or Beaumont/Port Arthur ozone nonattainment areas and subject to the provisions of the undesignated head Commercial, Institutional, and Industrial Sources in Chapter 117, Subchapter B of this title (relating to Combustion at Existing Major Sources), the owner or operator shall have submitted a complete initial control plan as required by §117.209 of this title (relating to Initial Control Plan Procedures).

(11) For emission units located in the Houston/Galveston or Beaumont/Port Arthur ozone nonattainment areas and subject to the requirements of the undesignated head Commercial, Institutional, and Industrial Sources in Chapter 117, Subchapter B of this title, the owner or operator shall comply with the requirements of the undesignated head Commercial, Institutional, and Industrial Sources by the compliance date specified in §117.520 of this title (relating to Compliance Schedule for Commercial, Institutional, and Industrial Combustion Sources).

(12) For covered processes subject to Title 40, Code of Federal Regulations, Part 68 (40 CFR 68) and specified in 40 CFR, §68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR 68. The owner or operator shall submit to the appropriate agency, either a compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR, §68.10(a), or as part of the compliance certification submitted under §122.143(4) of this title, a certification statement that the source is in compliance with all requirements of 40 CFR 68, including the registration and submission of a risk management plan. This general provision is enforceable only by the Administrator of the EPA.

(13) Owners and operators of a site subject to Title VI of the FCAA shall meet the following requirements for protection of stratospheric ozone which are enforceable only by the Administrator of the EPA.

(A) Operation, servicing, maintenance, and repair on refrigeration and non-motor vehicle air conditioning appliances using ozone-depleting refrigerants on-site shall be conducted in accordance with Title 40, Code of Federal Regulations, Part 82 (40 CFR 82), Subpart F. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart F.

(B) Servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR 82, Subpart B. Owners or operators shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using approved equipment. Records shall be maintained as required by Subpart B.

(14) Surface coating operations, other than those performed on equipment that is located on-site and in-place, which are authorized to operate under this General Operating Permit shall comply with the following requirements:

(A) at sites located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, or El Paso ozone nonattainment areas, surface coating operations that are subject to the conditions for exemptions referenced in §115.427(a)(3)(A) of this title (relating to Exemptions) shall

maintain sufficient records to document applicability as required by §115.426(a)(4) of this title (relating to Monitoring and Recordkeeping Requirements); or

(B) at sites located in Gregg, Nueces, or Victoria Counties, surface coating operations that are subject to the conditions for exemptions referenced in §115.427(b)(1) of this title shall maintain sufficient records to document applicability as required by §115.426(b)(3) of this title.

(15) The owner or operator shall keep records as required in 40 CFR, §61.246(i) if claiming the exemption in 40 CFR, §61.110(c)(2), pertaining to National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(16) Upon the granting of this General Operating Permit, detailed applicability determinations and the underlying basis for those determinations in the General Operating Permit application submitted to comply with the requirements of this chapter shall become conditions under which the owner or operator shall operate.

(c) Permit tables.

(1) The following permit table lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart K. Figure 4: 30 TAC §122.515(c)(1)

(2) The following permit table lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Ka. Figure 5: 30 TAC §122.515(c)(2)

(3) The following permit table lists the requirements for Storage Vessels affected by 40 CFR 60, Subpart Kb. Figure 6: 30 TAC §122.515(c)(3)

(4) The following permit table lists the requirements for Storage Vessels located in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, or Waller Counties which are affected by Chapter 115 of this title. Figure 7: 30 TAC §122.515(c)(4)

(5) The following permit table lists the requirements for Storage Vessels located in Gregg, Nueces, or Victoria Counties which are affected by Chapter 115 of this title. Figure 8: 30 TAC §122.515(c)(5)

(6) The following permit table lists the requirements for Storage Vessels located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis Counties which are affected by Chapter 115 of this title. Figure 9: 30 TAC §122.515(c)(6)

(7) The following permit table lists the requirements for Flares affected by 40 CFR 60, Subpart A. Figure 10: 30 TAC §122.515(c)(7)

(8) The following permit table lists the requirements for Flares affected by Chapter 111 of this title. Figure 11: 30 TAC §122.515(c)(8)

(9) The following permit table lists the requirements for Combustion Units affected by Chapter 117 of this title (relating to Control of Air Pollution From Nitrogen Compounds). Figure 12: 30 TAC §122.515(c)(9)

(10) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations located in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, or Waller Counties which are affected by Chapter 115 of this title. Figure 13: 30 TAC §122.515(c)(10)

(11) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations located in Gregg, Nueces, or Victoria Counties which are affected by Chapter 115 of this title. Figure 14: 30 TAC §122.515(c)(11)

(12) The following permit table lists the requirements for Non-Marine VOC Loading/Unloading Operations located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis Counties which are affected by Chapter 115 of this title. Figure 15: 30 TAC §122.515(c)(12)

(13) The following permit table lists the requirements for VOC Water Separators located in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris,

Jefferson, Liberty, Montgomery, Orange, Tarrant, or Waller Counties which are affected by Chapter 115 of this title. Figure 16: 30 TAC §122.515(c)(13)

(14) The following permit table lists the requirements for VOC Water Separators located in Gregg, Nueces, or Victoria Counties which are affected by Chapter 115 of this title. Figure 17: 30 TAC §122.515(c)(14)

(15) The following permit table lists the requirements for VOC Water Separators located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis Counties which are affected by Chapter 115 of this title. Figure 18: 30 TAC §122.515(c)(15)

(16) The following permit table lists the requirements for Cold Cleaning Degreasing Operations located in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, or Waller Counties which are affected by Chapter 115 of this title. Figure 19: 30 TAC §122.515(c)(16)

(17) The following permit table lists the requirements for Bulk Gasoline Terminals affected by 40 CFR 60, Subpart XX. Figure 20: 30 TAC §122.515(c)(17)

(18) The following permit table lists the requirements for Stationary Vents located in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson,

Liberty, Montgomery, Orange, Tarrant, or Waller Counties which are affected by Chapter 115 of this title. Figure 21: 30 TAC §122.515(c)(18)

(19) The following permit table lists the requirements for Stationary Vents located in Nueces and Victoria Counties which are affected by Chapter 115 of this title. Figure 22: 30 TAC §122.515(c)(19)

(20) The following permit table lists the requirements for Stationary Vents located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis Counties which are affected by Chapter 115 of this title. Figure 23: 30 TAC §122.515(c)(20)

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas,