

The commission adopts amendments to §101.1, concerning Definitions, with changes as published in the November 19, 1996, issue of the *Texas Register* (21 TexReg 11229). The commission adopts these revisions to Chapter 101 and to the State Implementation Plan in order to make a variety of changes which clarify existing definitions and repeal obsolete definitions.

EXPLANATION OF ADOPTED RULE

The changes generalize the definitions of component and leak by deleting references to Chapter 115 rules which are currently referenced in these definitions; replace the definition of delivery vessel/tank-truck tank with a definition of tank-truck tank to ensure the use of consistent terminology in various rules; revise the definition of Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation, SOCMI batch process, SOCMI distillation operation, SOCMI distillation unit, and SOCMI reactor process to clarify the applicability of these definitions; delete the definitions of polyester resin materials, polyester resin operation, and utility engines because the rules for which these definitions were developed have been repealed; revise the definition of volatile organic compound (VOC) for consistency with the recently revised federal definition; and revise the definition of vehicle refinishing (body shops) by deleting the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the list of operations which are excluded from this definition. This action will clarify that the exclusion was not intended to be generally applicable to all air regulations, only to Chapter 115. In concurrent action, the commission added an exemption to §115.427, concerning Exemptions, which excludes the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the Chapter 115 vehicle refinishing (body shops) emission specifications and control requirements. The changes to the

definition of VOC add 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), and 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee) to the list of compounds which are not classified as VOCs. The United States Environmental Protection Agency (EPA) has ruled that these compounds have negligible photochemical reactivity, and thus do not appreciably contribute to the formation of urban ozone (final rules at 61 *Federal Register* 52847).

TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code Annotated, Section 2007.043. The following is a summary of that assessment. The specific purpose of the rule amendments is to clarify existing definitions, repeal obsolete definitions, and use consistent terminology. Promulgation and enforcement of the rule amendments will not affect private real property which is the subject of the rule because the rule changes do not impose new requirements.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has determined that this rulemaking action is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et. seq.), the rules of the Coastal Coordination Council (31 TAC Chapters 501-506), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3) relating to actions and rules subject to the CMP, agency rules governing air pollutant

emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this action for consistency, and has determined that this rulemaking is consistent with the applicable CMP goals and policies. The primary CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations at Code of Federal Regulations, Title 40, to protect and enhance air quality in the coastal area. No new sources of air contaminants will be authorized by the rule revisions. Therefore, in compliance with 31 TAC §505.22(e), the commission affirms that this rule is consistent with CMP goals and policies.

HEARING AND COMMENTERS

A public hearing on this proposal was held in Austin on December 13, 1996. The comment period closed December 19, 1996. No commenters submitted oral testimony. Five commenters submitted written comments on the proposal. ARCO Chemical Company (ARCO), Basis Petroleum, Inc. (Basis), Exxon Company U.S.A. - Baytown (Exxon Baytown), Mobil Oil Corporation (Mobil), and Texas Chemical Council (TCC) generally supported the proposed revisions but suggested changes or clarifications. Exxon Baytown generally supported the comments submitted by Mobil and TCC.

Mobil and TCC suggested that the definition of component be revised to delete the phrase “but not limited to” and should instead list the specific types of components included. TCC also suggested that flanges and other piping connectors be added to the list of components.

The commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties,

including EPA, the opportunity to comment on the proposed changes. In addition, the corresponding definition of component in §115.10 was not proposed for revision. For these reasons, the commission has made no changes in response to the comments.

Exxon Baytown, Mobil, and TCC suggested that the definition of leak be revised to delete the phrase “or the dripping or exuding of process fluid based on sight, sound, or smell.” Exxon Baytown stated that the current leak definition is more stringent than federal requirements. Mobil and TCC stated that the suggested change would allow incorporating the option of leak verification by instrument monitoring of components which are found by sight/sound/smell to be dripping or exuding process fluid.

The current definition of leak was adopted on May 10, 1991, in response to EPA requirements. Because the suggested changes would represent a relaxation of existing requirements, the commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. Therefore, the commission has made no changes in response to the comments. However, because the term “leak” is used in a variety of rules in addition to the fugitive monitoring rules, the commission has retained the 10,000 parts per million by volume (ppmv) level which was proposed for deletion and has also retained the proposed reference to the concentration level specified by the applicable rule to address situations in which the rules specify a leak threshold lower than 10,000 ppmv.

ARCO and TCC recommended the addition of a new definition of storage tank valve. TCC suggested that pressure/vacuum relief valve vent be used rather than the term storage tank valve. The commenters did not include suggested language for these terms.

This issue is one which was already scheduled to be addressed in future rulemaking (Fugitive Emissions - Phase Two). In order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes, the commission is deferring this issue to future rulemaking.

TCC suggested that the definition of SOCFI distillation unit clarify that certain devices (such as carbon adsorbers) which recover chemicals for use as a combustion fuel are considered to be recovery devices, or alternatively are considered to be recapture devices.

The definition of SOCFI distillation unit includes “recovery devices (such as absorbers, carbon adsorbers, and condensers) which are capable of, and used for, recovering chemicals for use, reuse, or sale.” The commission believes it is clear that use of recovered chemicals for their fuel value would be considered “use or reuse” under this definition. Therefore, the commission has made no change in response to the comment.

Basis recommended that vacuum trucks be excluded from the definition of tank-truck tank.

The commission agrees and has incorporated this suggestion for consistency with the definition of transport vessel.

TCC supported the proposed changes to the definition of VOC which add 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), and 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee) to the list of compounds which are not classified as VOCs.

The commission appreciates the support.

STATUTORY AUTHORITY

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

GENERAL RULES

§101.1. Definitions.

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

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

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

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

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

Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation

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

Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation unit - A

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

Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process - A

SOCMI unit operation in which one or more chemicals, or reactants other than air, are combined or decomposed in such a way, that their molecular structures are altered and one or more new organic compounds are formed.

Tank-truck tank - Any storage tank having a capacity greater than 1,000 gallons,

mounted on a tank-truck or trailer. Vacuum trucks used exclusively for maintenance and spill response are not considered to be tank-truck tanks.

Vehicle refinishing (body shops) - The repair and recoating of vehicles, including, but

not limited to, motorcycles, passenger cars, vans, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses, and other vehicle body parts, bodies, and cabs by a commercial operation other than the

original manufacturer. The repair and recoating of trailers and construction equipment are not included.

Volatile organic compound - Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), perchloroethylene (tetrachloroethylene), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), parachlorobenzotrifluoride (PCBTF), cyclic, branched, or linear completely methylated siloxanes, acetone, 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

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

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

Issued in Austin, Texas, on April 30, 1997.

The commission adopts amendments to §115.10, concerning Definitions; §§115.112, 115.114-115.116, and 115.119, concerning Storage of Volatile Organic Compounds (VOC); §§115.121-115.123, 115.126, 115.127 and 115.129, concerning Vent Gas Control; §§115.132, 115.136, and 115.137, concerning Water Separation; §§115.146, 115.147, and 115.149, concerning Industrial Wastewater; §§115.153, 115.156, and 115.159, concerning Municipal Solid Waste Landfills; §§115.211, 115.212, 115.214-115.217, and 115.219, concerning Loading and Unloading of VOC; §§115.221-115.223, and 115.226, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; §115.253 and §115.256, concerning Control of Reid Vapor Pressure of Gasoline; §§115.311-115.313, and 115.319, concerning Process Unit Turn-around and Vacuum-Producing Systems in Petroleum Refineries; §§115.322-115.327 and 115.329, concerning Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties; §§115.352-115.354, 115.356, and 115.357, concerning Fugitive Emission Control in Petroleum Refining and Petrochemical Processes in Ozone Nonattainment Areas; §§115.421, 115.422, 115.424, 115.426, and 115.427, concerning Surface Coating Processes; §§115.442, 115.446, and 115.449, concerning Offset Lithographic Printing; §§115.532, 115.533, 115.536, 115.537, and 115.539, concerning Pharmaceutical Manufacturing Facilities; and §§115.552, 115.553 and 115.559, concerning Petroleum Dry Cleaning Systems. The commission also adopts the repeal of §§115.332-115.337 and 115.339, concerning Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes; and §§115.342-115.347 and 115.349, concerning Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.

Adopted with changes to the proposed text as published in the November 19, 1996, issue of the *Texas Register* (21 TexReg 11231) are §§115.10, 115.122, 115.126, 115.132, 115.137, 115.147, 115.153, 115.211, 115.212, 115.214, 115.217, 115.219, 115.222, 115.223, 115.253, 115.312, 115.313, 115.323, 115.353, 115.357, 115.422, 115.427, 115.442, 115.532, 115.533, 115.552, and 115.553. Sections 115.112, 115.114-115.116, 115.119, 115.121, 115.123, 115.127, 115.129, 115.136, 115.146, 115.149, 115.156, 115.159, 115.215, 115.216, 115.221, 115.226, 115.256, 115.311, 115.319, 115.322, 115.324-115.327, 115.329, 115.352, 115.354, 115.356, 115.421, 115.424, 115.426, 115.446, 115.449, 115.536, 115.537, 115.539, and 115.559 are adopted without changes and will not be republished. The repeals of §§115.332-115.337 and 115.339; and §§115.342-115.347 and 115.349 are adopted without changes and will not be republished.

EXPLANATION OF ADOPTED RULES

The commission adopts these revisions to Chapter 115 and to the State Implementation Plan (SIP) in order to make a variety of changes which correct and update rule references, correct references to federal test methods, clarify and add flexibility to control requirements, correct errors, extend an existing exemption for pulp and paper vent gas streams, update terminology for consistency throughout Chapter 115, add exemptions to the VOC water separation rules to complete previous rulemaking, delete two fugitive monitoring work practice requirements (directed maintenance and instrument monitoring of leaks detected by sight/sound/smell), delete definitions which are no longer needed, delete the attainment date from the contingency rules to provide future flexibility, and delete language and rules made obsolete by the passing of compliance dates. The commission also changed the title of

Subchapter D to Petroleum Refining, Natural Gas Processing, and Petrochemical Operations to more accurately reflect the content of this subchapter. In addition, the commission changed the titles of two fugitive monitoring undesignated heads to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties; and Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas to more accurately reflect the rule content. A second phase of rulemaking is expected later in 1997 to address additional issues regarding the Chapter 115 fugitive monitoring rules.

The changes to §115.10, concerning Definitions, replace the definition of delivery vessel/tank-truck tank with a definition of tank-truck tank to ensure the use of consistent terminology in various rules; revise the definition of fugitive emission for consistency with the corresponding definition in §101.1, concerning Definitions; update the definition of leak to be consistent with the requirements of §115.352, regarding Control Requirements; revise the definition of Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation, SOCMI batch process, SOCMI distillation operation, SOCMI distillation unit, and SOCMI reactor process to clarify the applicability of these definitions; delete the definitions of polyester resin materials, polyester resin operation, and utility engines because these terms are no longer used within Chapter 115; revise the definition of VOC for consistency with the recently revised federal definition; and revise the definition of vehicle refinishing (body shops) by deleting the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the list of operations which are excluded from this definition. In concurrent action, the commission added an exemption to §115.427, concerning

Exemptions, which excludes the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and vehicles by private individuals from the Chapter 115 vehicle refinishing (body shops) emission specifications and control requirements. The changes to the definition of VOC add 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), and 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee) to the list of compounds which are not classified as VOCs. The United States Environmental Protection Agency (EPA) has ruled that these compounds have negligible photochemical reactivity, and thus do not appreciably contribute to the formation of urban ozone (final rules at 61 *Federal Register* (FR) 52847).

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

The changes to §115.121, concerning Emission Specifications, and §115.122, concerning Control Requirements, substitute the term “control” for “burn” and modify the existing requirement in §115.122 to burn vent gas streams in a flare or direct-flame incinerator by adding an option to control the emissions with a vapor recovery system meeting a specified control efficiency. This option was previously located in §115.123, concerning Alternate Control Requirements. These changes, which consolidate control options and requirements into one section, make the rule more logical and eliminate confusing wording. The changes to §115.121(a) also consolidate previous paragraphs (2) and (3) for improved readability. In addition, the changes to §115.122 update rule references and revise references to TNRCC and the executive director for consistency with the commission’s style guidelines. The changes to §115.123, concerning Alternate Control Requirements, correct a rule reference and eliminate language which is no longer necessary due to the revisions to §115.121 and §115.122.

The revisions to §115.126, concerning Monitoring and Recordkeeping Requirements, clarify that §115.126(a)(3) and §115.126(b)(3) are alternatives to the requirements of §115.126(a)(2) and §115.126(b)(2), respectively. The revisions to §115.126 also clarify that §115.126(a)(3) and §115.126(b)(3) may be used if the vent gas stream qualifies for either the VOC emission rate exemption or the VOC concentration exemption, rather than having to meet both criteria, for consistency with §115.127, concerning Exemptions. The revisions to §115.126(a)(3) and §115.126(b)(3) also simplify the recordkeeping requirements for exempt process vents which remain below 50% of an applicable exemption. In addition, the changes to §115.126 revise references to TNRCC and the executive

director for consistency with the commission's style guidelines. Finally, a new §115.126(a)(6) has been added to relocate a flare pilot light monitoring requirement from §115.122(2).

The revisions to §115.127, concerning Exemptions, update rule references and extend an existing exemption for pulp and paper vent gas streams from November 15, 1998, until November 15, 1999, due to EPA's delay in promulgating the pulp and paper industry Maximum Achievable Control Technology rules. The delay will not result in loss of SIP emission reduction credits because the reductions will still be achieved by the November 15, 1999, SIP deadline. In addition, the revisions to §115.127 clarify that while SOCFMI batch processes are exempt from the SOCFMI reactor/distillation vent gas stream control requirements, these SOCFMI batch process vent gas streams continue to be subject to the general vent gas stream control requirements. This corrects an error in the rule cross-references of §115.127(a)(2)(E) that inadvertently occurred in the February 14, 1996, adoption of revisions to the vent gas rules. For improved readability, the revisions to §115.127(c) also consolidate paragraphs (1) and (2)(A)-(B), and revise the wording of the exemption in paragraph (2)(C) and relocate it to §115.127(c)(2). In addition, the changes to §115.127 add the effective dates of referenced federal rules for consistency with the commission's style guidelines. The revisions to §115.129, concerning Counties and Compliance Schedules, update rule references and revise references to TNRCC and the executive director for consistency with the commission's style guidelines.

The changes to §115.132, concerning Control Requirements, and §115.137, concerning Exemptions, complete a previous rulemaking action which was adopted by the commission on October 25, 1995.

The revisions now being adopted could not be adopted at that time because revisions had not been proposed in the initial rulemaking proposal, as required by the *Texas Register*. The changes to §115.132 specify the conditions under which VOC water separators may vent to the atmosphere without vapor recovery, and update a rule reference. In addition, the changes to §115.132 and §115.136, concerning Monitoring and Recordkeeping Requirements, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The changes to §115.137 add an exemption for VOC water separators in Gregg, Nueces, and Victoria Counties which are designed solely to capture stormwater, spills, or exterior surface cleanup waters.

The changes to §115.146, concerning Monitoring and Recordkeeping Requirements, and §115.147, concerning Exemptions, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The revisions to §115.147 also delete the 80% overall control option, and revise the 90% overall control option to allow companies which missed the initial control plan submittal deadlines to use this option. The revision to §115.149, concerning Counties and Compliance Schedules, deletes the attainment date for Beaumont/Port Arthur from the contingency rule. Elimination of the specific date will not affect the validity of this contingency rule but will provide flexibility in the event that the attainment date is changed again in the future and will eliminate the need for a future rule change in that event.

The changes to §115.153, concerning Alternate Control Requirements, correct a rule reference and update a reference to §115.910 to reflect a title change. The change to §115.156, concerning

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

The changes to §§115.211, 115.212, 115.214, 115.216, 115.217, and 115.219, concerning Emission Specifications; Control Requirements; Inspection Requirements; Monitoring and Recordkeeping Requirements; Exemptions; and Counties and Compliance Schedules, delete language which no longer applies after a November 15, 1996, compliance date passed; renumber other paragraphs within these sections as appropriate; and update rule references which need to be changed due to this renumbering. In addition, the changes to §115.211 clarify existing requirements. The changes to §115.212 also update a rule reference, clarify existing requirements, specify alternatives if no documentation of a marine vessel's annual vapor tightness test is available, and specify that the requirement to discharge the vapors remaining in a transport vessel after unloading to a vapor recovery system do not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required. In addition, the changes to §§115.212, 115.216, and 115.217 revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The changes to §115.214 also update a rule reference due to a title change. The changes to §115.216 also

add the effective dates of referenced federal rules for consistency with the commission's style guidelines.

The changes to §115.215, concerning Approved Test Methods, add a second test method for determining marine vessel vapor tightness in order to provide additional flexibility. The changes to §115.217 also clarify the applicability of an existing exemption to marine loading operations and clarify that marine terminals with less than 100 tons per year (TPY) of VOC emissions only include marine loading emissions in the 100 TPY calculation. In addition, the changes to §115.217 add an exemption for motor vehicle fuel dispensing facilities, and make more general the location to which control plans are directed by replacing references to the Office of Air Quality with a reference to the executive director. Finally, the changes to §115.217 delete the 80% overall control option, and revise the 90% overall control option to allow companies which missed the initial control plan submittal deadlines to use this option.

The changes to §§115.221, 115.222, and 115.226, concerning Emission Specifications; Control Requirements; and Recordkeeping Requirements, replace the term delivery vessel with tank-truck tank for consistency with the terminology elsewhere in Chapter 115. The changes to §115.222 also specify that the requirement to discharge the vapors remaining in a tank-truck tank after unloading to a vapor recovery system do not apply if the tank-truck tank is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required. The changes to §115.223, concerning Alternate Control Requirements, correct a rule reference and update a reference to §115.910 to reflect a title change. In

addition, the changes to §115.226 replace certification number with the identification number and the date of the last leak testing for consistency with the requirements and terminology elsewhere in Chapter 115.

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

The changes to §115.311, concerning Emission Specifications, and §115.312, concerning Control Requirements, substitute the term "control" for "burn" and modify the existing requirement in §115.312 to burn vent gas streams in a flare or direct-flame incinerator by adding an option to control the emissions with a vapor recovery system meeting a specified control efficiency. This change eliminates confusing wording while providing companies more flexibility in choosing the most cost-effective type of control. The changes to §115.313, concerning Alternate Control Requirements, correct a rule reference and update a reference to §115.910 to reflect a title change. The change to §115.319, concerning Counties and Compliance Schedules, deletes language made obsolete by the passing of compliance dates.

The repeal of §§115.332-115.337 and 115.339; §§115.342-115.347 and 115.349; and the amendments to §§115.322-115.327 and 115.329, delete requirements which apply in the Beaumont/Port Arthur,

Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas that have been superseded by the requirements of §§115.352-115.357, concerning Fugitive Emission Control in Petroleum Refining, Natural Gas Processing, and Petrochemical Processes, effective November 15, 1996. The new requirements provide emission reductions required by the Federal Clean Air Act in order to reduce urban ozone pollution. Repeal of the old requirements will prevent duplicative requirements. The requirements of §§115.322-115.327 and 115.329 which apply in Gregg, Nueces, and Victoria Counties will continue to be in effect.

The changes to §115.322, concerning Control Requirements, modify the absolute prohibition of a component leak in paragraphs (1)-(2) by revising the leak prohibition of paragraph (1) to specify that component leaks shall not continue for more than 15 days after a leak is found. The changes to §115.322 also replace the requirement (previously found in §115.324(b)(6), concerning Inspection Requirements) that leaking components be monitored with a hydrocarbon gas analyzer immediately after repair with a requirement to make a first attempt at repair within five calendar days of leak detection, with the component considered repaired when it is monitored after repairs and shown to no longer have a leak. Federal rules and guidance have been unclear as to whether follow-up monitoring is required within the fifteen-day period to confirm that a repair has occurred. The revision reduces the potential for inadvertent noncompliance, and is consistent with the proposed federal rulemaking clarification of August 26, 1996. In addition, the changes to §115.323, concerning Alternate Control Requirements, §115.324, concerning Inspection Requirements, §115.326, concerning Recordkeeping Requirements, and §115.327, concerning Exemptions, update rule references that needed revision due

to the deletion of the requirements of §§115.322-115.327 which previously applied in the ozone nonattainment areas. The changes to §115.323 correct a rule reference and update a reference to §115.910 to reflect a title change. The changes to §115.324 also clarify that alternate monitoring schedules apply to valve monitoring. In addition, the proposed change to §115.325 adds the effective date of a referenced federal test method for consistency with the commission's style guidelines. The changes to §115.329, concerning Counties and Compliance Schedules, delete language made obsolete by the passing of a July 31, 1993, compliance date. Finally, the changes to §§115.323, 115.324, 115.326, and 115.327 revise references to TNRCC and the executive director for consistency with the commission's style guidelines.

The change to §115.352(1), concerning Control Requirements, clarifies that paragraph (2) contains an exception to the requirement to repair all component leaks within 15 days after the leak is found. The changes to §115.352 and §115.354, concerning Inspection Requirements, also delete the requirement that the repair of valves be accompanied by the simultaneous use of an organic vapor analyzer (OVA). This type of repair is commonly known as "directed maintenance" and was deleted due to a variety of difficulties reported concerning implementation of directed maintenance. The VOC emission reduction credit for the SIP will not change because the emission reductions were based upon the more stringent leak definition (500 parts per million by volume (ppmv), except for pump seals and compressor seals), and not upon the directed maintenance requirement. Directed maintenance was replaced with a requirement to make a first attempt at repair within five calendar days of leak detection, with the component considered repaired when it is monitored after repairs and shown to no longer have a leak.

Federal rules and guidance have been unclear as to whether follow-up monitoring is required within the 15-day period to confirm that a repair has occurred. The revision reduces the potential for inadvertent noncompliance, and is consistent with the proposed federal rulemaking clarification of August 26, 1996.

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

The changes to §115.356, concerning Recordkeeping Requirements, clarify that “the test method used” refers to the test method used to determine a component leak: either EPA Test Method 21, or sight/sound/smell. The changes to §115.357 correct a typographical error, clarify that pressure relief valves equipped with a rupture disk are exempt under §115.357(2) provided they meet the requirements of §115.352(9), and clarify the repair schedule for valves in ethylene, propane, or propylene service.

In addition, the changes to §115.354 and §115.356 revise references to TNRCC and the executive director for consistency with the commission's style guidelines.

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

The change to §115.442, concerning Control Requirements, replaces "printing facility" with "printing press" to ensure the use of consistent terminology throughout the offset printing rules. The changes to §115.446, concerning Monitoring and Recordkeeping Requirements, and §115.449, concerning

Counties and Compliance Schedules, revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The changes to §115.449 also delete the attainment dates for Dallas/Fort Worth and Houston/Galveston from the contingency rule. Elimination of the specific dates will not affect the validity of this contingency rule but will provide flexibility in the event that the attainment dates are changed in the future and will eliminate the need for a future rule change in that event.

The changes to §115.532, concerning Control Requirements, and §115.536, concerning Monitoring and Recordkeeping Requirements, make stylistic changes and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The changes to §115.532 also update a rule reference. The changes to §115.533, concerning Alternate Control Requirements, correct a rule reference and update a reference to §115.910 to reflect a title change. The changes to §115.537, concerning Exemptions, and §115.539, concerning Counties and Compliance Schedules, delete language which no longer applies because the compliance date has passed.

The changes to §115.552, concerning Control Requirements, make stylistic changes and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The changes to §115.553, concerning Alternate Control Requirements, correct a rule reference and update a reference to §115.910 to reflect a title change. The changes to §115.559, concerning Counties and Compliance Schedules, delete an inaccurate attainment date for El Paso and Houston/Galveston from the contingency rule. Elimination of the specific date will not affect the validity of this

contingency rule in El Paso and Houston/Galveston but will provide flexibility in the event that the attainment date is changed in the future and will eliminate the need for a future rule change in that event. The changes to §115.559 also add a separate paragraph for each nonattainment area which identifies more clearly the specific affected ozone nonattainment counties and the specific petroleum dry cleaning rules.

TAKINGS IMPACT ASSESSMENT

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

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has determined that this rulemaking action is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et. seq.), the rules of the Coastal Coordination Council (31 TAC Chapters 501-506), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3) relating to actions and rules subject to the CMP, agency rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this action for consistency, and has determined that this rulemaking is consistent with the applicable CMP goals and policies. The primary CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations at Code of Federal Regulations, Title 40, to protect and enhance air quality in the coastal area. No new sources of air contaminants will be authorized by the rule revisions. Therefore, in compliance with 31 TAC §505.22(e), the commission affirms that this rule is consistent with CMP goals and policies.

HEARING AND COMMENTERS

A public hearing on this proposal was held in Austin on December 13, 1996. The comment period closed December 19, 1996. No commenters submitted oral testimony. Eleven commenters submitted written comments on the proposal. Exxon Company, U.S.A. - Baytown (Exxon Baytown) generally supported the comments submitted by Mobil Oil Corporation (Mobil) and the Texas Chemical Council (TCC).

Six commenters submitted testimony on §115.10, concerning Definitions. ARCO Chemical Company (ARCO), City of Dallas (Dallas), Exxon Company, U.S.A. - Houston (Exxon Houston), Exxon Baytown, Mobil, and TCC generally supported the proposed revisions but suggested changes or clarifications.

One commenter submitted testimony on §§115.112, 115.114-115.116, and 115.119, concerning Storage of VOC. TCC generally supported the proposed revisions but suggested changes or clarifications.

Four commenters submitted testimony on §§115.121-115.123, 115.126, 115.127 and 115.129, concerning Vent Gas Control. Basis Petroleum, Inc. (Basis), Dallas, EPA, and TCC generally supported the proposed revisions but suggested changes or clarifications.

Three commenters submitted testimony on §§115.132, 115.136, and 115.137, concerning Water Separation. Exxon Houston, Lockheed Martin Tactical Aircraft Systems (Lockheed), and TCC generally supported the proposed revisions but suggested changes or clarifications.

One commenter submitted testimony on §§115.146, 115.147, and 115.149, concerning Industrial Wastewater. TCC generally supported the proposed revisions but suggested changes or clarifications.

Three commenters submitted testimony on §§115.211, 115.212, 115.214-115.217, and 115.219, concerning Loading and Unloading of VOC. Dallas, Houston Lighting and Power (HL&P), and TCC generally supported the proposed revisions but suggested changes or clarifications.

One commenter submitted testimony on §§115.311-115.313, and 115.319, concerning Process Unit Turn-around and Vacuum-Producing Systems in Petroleum Refineries. Dallas generally supported the proposed revisions but suggested changes or clarifications.

Two commenters submitted testimony on §§115.322-115.327 and 115.329, concerning Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties. Mobil and TCC generally supported the proposed revisions but suggested changes or clarifications.

Three commenters submitted testimony on §§115.352, 115.353, 115.354, 115.356, and 115.357, concerning Fugitive Emission Control in Petroleum Refining and Petrochemical Processes in Ozone Nonattainment Areas. Exxon Baytown, Mobil, and TCC generally supported the proposed revisions but suggested changes or clarifications.

Three commenters submitted testimony on §§115.421, 115.422, 115.424, 115.426, and 115.427, concerning Surface Coating Processes. Dallas and TCC generally supported the proposed revisions but suggested changes or clarifications. An individual opposed the proposed revisions.

One commenter submitted testimony on §§115.442, 115.446, and 115.449, concerning Offset Lithographic Printing. TCC generally supported the proposed revisions but suggested changes or clarifications.

One commenter submitted testimony on §§115.532, 115.533, 115.536, 115.537, and 115.539, concerning Pharmaceutical Manufacturing Facilities. TCC generally supported the proposed revisions but suggested changes or clarifications.

Two commenters submitted testimony on §§115.552, 115.553 and 115.559, concerning Petroleum Dry Cleaning Systems. Dallas and TCC generally supported the proposed revisions but suggested changes or clarifications.

None of the commenters submitted testimony on the proposed revisions to §§115.153, 115.156, and 115.159, concerning Municipal Solid Waste Landfills; §§115.221-115.223, and 115.226, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; and §115.253 and §115.256, concerning Control of Reid Vapor Pressure of Gasoline. None of the commenters submitted testimony on the repeal of §§115.332-115.337 and 115.339, concerning Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes; and §§115.342-115.347 and 115.349, concerning Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.

GENERAL COMMENTS

TCC commented that the “once-in, always-in (OIAI)” rules (§§115.122(a)(4)(A), 115.132(a)(4)(A), 115.212(a)(10)(A), 115.422(3)(A), 115.532(a)(5)(A), and 115.552(b)(1)) should include reference to Chapter 106 as well as Chapter 116 because standard exemptions are being relocated to Chapter 106.

The commission agrees with TCC. The suggested updating of this reference will provide continued flexibility to the regulated community. Conversely, failure to make the suggested change would increase the stringency of the OIAI rules due to the relocation of standard exemptions from Chapter 116 to Chapter 106 that became effective on March 14, 1997. Although the OIAI rules were proposed for unrelated changes, the specific subparagraphs in which the references to Chapter 116 occur were not proposed for change. On January 2, 1997, the *Texas Register* agreed that the commission could make the suggested changes for the reasons described above. For consistency, the commission also revised §§115.122(a)(4)(B), 115.132(a)(4)(B), 115.212(a)(10)(B), 115.422(3)(B), 115.532(a)(5)(B), and 115.552(b)(2) to include references to permit amendments and standard permits. It should be noted that the Chapter 115 rules concerning industrial wastewater and rotogravure/flexographic printing also include OIAI rules, but these sections were not proposed for change and therefore cannot be updated at this time. These rules (§115.142(3) and §115.432(a)(2)) will be proposed for revision in future rulemaking.

TCC commented that the wording of recordkeeping requirements is not consistent in various sections within Chapter 115. TCC stated that the preferred wording is “... shall maintain records at the facility

for at least two years and make such records available to representatives... having jurisdiction in the area upon request.”

Although consistency is generally desirable, the recordkeeping requirements cannot be identical across all Chapter 115 rules due to differences in rule structure which are necessary to accommodate specific requirements in some rules. Also, some differences in the recordkeeping requirements are necessary to address specific issues in certain industries. For example, the Stage II recordkeeping requirements include an allowance for gasoline stations which are ordinarily unmanned during business hours. In addition, many of the Chapter 115 recordkeeping rules were not proposed for revision at this time. The commission has made no changes in response to the comment but will continue to strive for consistency in the recordkeeping requirements where possible.

TCC stated that all Chapter 115 control requirement sections should include an equivalent to 90% control efficiency and that 90% control efficiency cannot always be demonstrated. TCC cited as an example the loading of a low vapor pressure material (just over the exemption level) on a cold day. TCC noted that certain vent gas rules require 98% control efficiency or control to 20 ppmv. TCC suggested that control to a specified concentration be considered an equivalent control requirement to 90% control efficiency.

While the suggestion has merit, very few of the Chapter 115 rules which require control to a specified efficiency have been proposed for revision at this time. Also, a detailed analysis of the Chapter 115 rules which specify a percent control efficiency is necessary before considering incorporation of the suggested concept. However, the commission has incorporated the suggestion into the vent gas rules. (For details, see TCC's comments on §115.122(a)(2) in the section on vent gas control). Finally, it should be noted that the Alternate Control Requirement sections are available for situations in which companies find a more economical or technically feasible method for achieving emission reductions than the specified control requirements.

TCC stated that there should be more consistency in handling paragraphs which refer to compliance dates that have passed. TCC referred to the Chapter 115 vent gas rules, VOC loading rules, and wastewater rules and noted that some compliance dates which have passed are being deleted, while some are retained in the rules.

In general, references to compliance dates which have passed are proposed for deletion. The exception is that compliance dates in the Counties and Compliance Schedules sections are retained for at least one year after the compliance date. This is a courtesy to the reader since it ensures that the reader does not have to locate and review an older version of Chapter 115 to identify the compliance date for relatively new requirements. It also heightens the regulated community's awareness of these requirements which in turn will improve the compliance rate. The commission has made no changes in response to the comment.

It has come to the commission's attention that many of the alternate control requirements sections refer incorrectly to the control requirements of "this section," rather than "this undesignated head." The commission has changed "section" to "undesignated head" in §§115.153, 115.223, 115.253, 115.313, 115.323, 115.353, 115.533, and 115.553 to reflect the correct terminology.

80% AND 90% OVERALL CONTROL OPTIONS

TCC noted that the 80% and 90% overall control initial plans for industrial wastewater, land-based VOC loading, and marine vessel VOC loading specified in §§115.147(5)(A), 115.217(a)(6), 115.217(a)(7), 115.217(a)(9), 115.217 (b)(4), 115.217(b)(5) were due in 1994 and 1995. TCC suggested revisions to account for the past dates and that the phrase "in order to maintain exemption status under this paragraph" be deleted from §115.217(a)(6)(B). TCC also suggested that any overall control option which no one used should be deleted.

No one used any of the 80% overall control options, and there does not appear to be any need to retain these options. Therefore, the commission has deleted the 80% overall control options. The commission has revised the 90% overall control options to allow companies which missed the initial control plan submittal deadlines to use these options. This provides flexibility which is presently unavailable to these companies. Any newly-submitted plan must undergo review by the Engineering Services Section and must be approved before the company may use the 90% option for compliance.

DEFINITIONS

Comments concerning definitions used in the fugitive monitoring rules are discussed in the section titled Fugitive Monitoring and Associated Definitions.

Exxon Baytown and TCC commented that the definition of tank-truck tank in §115.10 is inconsistent with the corresponding definition in §101.1.

The commission has corrected the definition of tank-truck tank in §115.10. In response to a comment on the definition of tank-truck tank in §101.1, the commission excluded vacuum trucks from this definition. So that both definitions remain consistent, the commission has likewise revised the definition of tank-truck tank in §115.10 to exclude vacuum trucks.

Exxon Houston commented on the definition of VOC water separator as it relates to three-phase separators and heater treaters used in oil and gas production and questioned whether this equipment is subject to the water separator rules.

The definition of VOC water separator was not proposed for revision, and therefore comments on this definition are outside the scope of this rulemaking. However, Exxon Houston's comments on the applicability of the water separator rules to three-phase separators and heater treaters are addressed in the discussion on water separation.

STORAGE OF VOC

TCC commented on §115.114(b)(1)-(2) and (4), and §115.114(c)(1)-(2). TCC noted that these paragraphs require floating roof storage tanks to be emptied and degassed if seals cannot be repaired, but unlike §115.114(a) do not include a reference to §§115.541-115.547. TCC suggested that the degassing requirements should only apply to tanks required to be degassed by §§115.541-115.547.

Sections 115.541-115.547 do not require that storage tanks be degassed. These rules do, however, establish requirements which must be met when large (1,000,000 gallons capacity or greater) storage tanks are degassed in sixteen ozone nonattainment counties. The reference to §§115.541-115.547 is contained in §115.114(a) but not in §115.114(b)-(c) because the requirements of §§115.541-115.547 do not apply in the counties affected by §115.114(b)-(c). The commission has made no changes in response to the comment.

VENT GAS CONTROL AND PROCESS UNIT TURN-AROUND

Dallas and EPA commented on §§115.122(a)(1), 115.122(b), and 115.122(c)(1) and stated that these general vent gas rules should continue to require 90% control efficiency for all control devices to ensure proper removal of pollutants. Dallas also made the same comment regarding §115.312(a)(2) and §115.312(b)(2).

The commission has made the suggested revisions to §§115.122(a)(1), 115.122(b), 115.312(a)(2), and 115.312(b)(2). For consistency, the commission also has made a similar change to

§115.122(a)(2) and §115.122(c)(2). Because §115.122(c)(1) did not previously include a 90% control efficiency requirement, however, the commission did not revise this rule to include this suggested requirement in order to avoid increasing the stringency of the requirements for existing sources.

TCC commented on §115.122(a)(2) and suggested that the flare monitoring requirement be relocated to a new paragraph in §115.126(a), concerning Monitoring and Recordkeeping Requirements.

The commission agrees that this monitoring requirement would be more appropriately located in §115.126(a) and has relocated this requirement to a new paragraph (6) as suggested.

TCC suggested the addition of language similar to that of §115.122(a)(2) which provides the option of controlling emissions to 20 ppmv. TCC stated that this would provide additional flexibility for dilute streams.

The suggested option will add flexibility without resulting in increased emissions. Therefore, the commission has added the suggested control option to §§115.122(a)(1), 115.122(b), 115.122(c)(1)(C), 115.122(c)(2)(B), 115.122(c)(3)(B), 115.122(c)(4)(B), 115.312(a)(2), and 115.312(b)(2).

TCC commented that the order of §115.122(a)(2)(A) and (B) should be switched to be consistent with the layout of §115.122(a)(1). Basis suggested that burning vent gases in process heaters be allowed.

TCC expressed the understanding that the term “vapor recovery system” includes direct-flame incineration and commented that §115.122(a)(2)(B) should be deleted because §115.122(a)(2)(C) already includes direct-flame incinerators.

Vapor recovery system is defined as “any control system which utilizes vapor collection equipment to route VOC to a control device that reduces VOC emissions.” Consequently, vapor recovery system includes both combustion devices (such as flares, incinerators) and non-combustion devices (such as carbon adsorption systems). A process heater can also be used as a control device under the definition of vapor recovery system, provided that it meets the applicable vent gas rule emission specifications, control requirements, etc. The commission has deleted §115.122(a)(2)(B) as suggested. Consequently, the suggested reversal of the order of §115.122(a)(2)(A) and (B) is unnecessary.

TCC commented on the “once-in, always-in (OIAI)” requirements of §115.122(a)(4) and suggested substituting “to” for “and” in the phrase “...by which throughput or emission rate was reduced and less than the applicable exemption limits...”

There are two independent conditions which must be satisfied to qualify for exclusion from the OIAI requirements: 1) emissions must be reduced to no more than the controlled emissions level

existing before implementation of the project that reduced throughput or emissions; and

2) emissions must also be reduced to below the applicable exemption limit in §115.127(a). The suggested revision would retain this meaning, while improving the readability of the rule.

Therefore, the commission has made the suggested change. The commission has also made the same revision to similar rules (§§115.132(a)(4), 115.212(a)(10), 115.422(a)(3), and 115.532(a)(5)).

In addition, the commission has replaced the phrase “at or below” with “no more than” for improved readability. It should be noted that the Chapter 115 rules concerning industrial wastewater and rotogravure/flexographic printing also include OIAI rules, but these sections were not proposed for change and therefore cannot be updated at this time. These rules (§115.142(3)(A) and §115.432(a)(2)(A)) will be proposed for revision in future rulemaking.

TCC commented on §115.123(a)(2) and suggested deletion or revision of this paragraph because the May 31, 1994, alternate reasonable available control technology application date has passed.

This rule was not proposed for revision, and therefore the comment is outside the scope of this rulemaking. The commission has made no changes in response to the comment.

TCC noted that §115.123(b) and (c) are essentially identical to §115.123(a)(1), and suggested deletion of §115.123(b) and (c).

In general in Chapter 115, the current ozone nonattainment counties are included in the “(a)” subsections, Gregg, Nueces, and Victoria Counties are included in the “(b)” subsections, and Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties are included in the “(c)” subsections. This numbering convention was established to allow an easier determination of the applicable requirements for each of the three groups of counties. This also allows future revisions to the requirements for the ozone nonattainment counties without the possibility of inadvertently altering the requirements for the other counties. The commission has made no changes in response to the comment.

Dallas commented on the term “substantially equivalent” in §115.123 and §115.313 and asked “equivalent to what?”

These rules allow the use of an alternate means of control (AMOC), provided that the emission reductions resulting from the alternate methods will be substantially equivalent to the emission reductions which would occur if the facility complied directly with the control requirements or exemption criteria. The criteria used to evaluate an AMOC are described in detail in §§115.910-115.916, concerning Availability of AMOC.

Dallas commented on the proposed deletion of §115.126(a)(3)(B) and §115.126(b)(3)(B) and recommended that these requirements for daily operating parameter records be retained. Dallas stated that this information is necessary to adequately demonstrate a vent’s exemption status.

The commission believes that calculations and test results are adequate records under §115.126(a)(3) and §115.126(b)(3) to document a vent’s exemption status, provided that the documentation includes the operating parameters that occurred during any testing, and the maximum levels feasible for the process. The commission has revised §115.126(a)(3) and §115.126(b)(3) accordingly.

TCC commented on §115.126(a)(3) and suggested that the phrase “demonstrate continuous compliance” be changed to “demonstrate continuing compliance.” TCC noted that it is clear that continuous monitoring of exempted vent gas streams is not required, but stated that the phrase “continuous compliance” strikes a red flag.

Continuous monitoring is not mandatory unless a rule specifically requires it. The phrase “continuous compliance” is used throughout Chapter 115 in the sections on alternate control requirements and monitoring and recordkeeping requirements. Introduction of a similar phrase such as “continuing compliance” could result in confusion. The commission has made no change in response to the comment.

TCC commented on the exemptions for SOCFI reactor processes and distillation operations in §115.127(a)(4)(A)-(C). TCC suggested that these exemptions for batch mode, low flow rate, low concentration, and process units having a total design capacity less than 1,100 TPY for all chemicals produced within that unit be relocated to §115.127(a)(2) and reworded to also apply to air oxidation

SOCMI processes, liquid phase polypropylene manufacturing processes, liquid phase slurry high-density polyethylene processes, and continuous polystyrene manufacturing processes.

The exemptions from emission specifications for air oxidation SOCMI processes, liquid phase polypropylene manufacturing processes, liquid phase slurry high-density polyethylene processes, and continuous polystyrene manufacturing processes are contained in §115.127(a)(3), not §115.127(a)(2), and are based upon Control Techniques Guidelines (CTGs) which EPA issued for these specific processes. Likewise, the exemptions in §115.127(a)(4)(A)-(C) were specifically developed for SOCMI reactor processes and distillation operations in EPA's SOCMI reactor/distillation CTG. The suggested revisions would result in a relaxation of existing requirements which have been in place for years, and are not consistent with EPA requirements. The commission has made no changes in response to the comment.

WATER SEPARATION

Exxon Houston questioned whether three-phase separators used in oil and gas production are subject to the water separator rules. Exxon Houston stated that the primary purpose of a three-phase separator is to separate gas from liquids, with separation of VOCs from water being an ancillary result, and that VOC emissions from these pressurized vessels will occur only from a pressure relief valve during emergency conditions. Exxon Houston also questioned whether heater treaters used in oil and gas production are subject to the water separator rules and whether these units, when equipped with a vent, are subject to the vent gas rules. Exxon Houston stated that heater treaters are pressurized vessels

which use heat, and sometimes chemicals, to aid in the separation of the small amount of water that remains in the crude oil or condensate stream after initial separation. Exxon Houston commented that separation of the water from the crude oil or condensate may occur in the heater treater or downstream of the heater treater and suggested that heater treaters not be considered VOC water separators when the separation of water from VOCs occurs downstream of the heater treater.

Three-phase separators and heater treaters used in oil and gas production meet the definition of VOC water separator since a physical separation and removal of VOCs from water occurs. Because the Chapter 115 water separation rules apply, the general vent gas rules do not apply, as specified in §115.127(a)(6), (b)(3), and (c)(3). However, exemptions are available from the VOC water separator control requirements for three-phase separators and heater treaters used in oil and gas production. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas, §115.137(a)(1) provides an exemption for any VOC water separator used exclusively in conjunction with crude oil or condensate production, provided that VOC emissions do not exceed 100 pounds per continuous 24-hour period. For Gregg, Nueces, Victoria, Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, §115.137(b)(1) and (c)(1) exempt VOC water separators used exclusively in conjunction with crude oil or condensate production, independent of the emission rate.

TCC commented on §115.132(a)(1), (b)(1), and (c)(1) and stated that the last sentence of these paragraphs is either redundant with the first sentence or imposes an additional requirement of

demonstrating, through testing, that a pressure or vacuum must be maintained. TCC also commented that the last sentence uses the term “well-sealed” rather than the term “sealed and totally enclose(d)” from the first sentence. TCC further suggested that the last sentence be deleted.

The purpose of the proposed last sentence in §115.132(a)(1), (b)(1), and (c)(1) was to clarify the intent of the first sentence in these paragraphs. The commission has combined the first and last sentences of these paragraphs to make this intent more explicit. In addition, the commission deleted the specific pressure/vacuum vent settings because the proper settings depend on the size of the separator.

Lockheed commented on §115.137(a)(2), which exempts VOC water separators which separate materials having a VOC true vapor pressure less than 0.5 pounds per square inch absolute (psia). Lockheed noted that §115.131(a) requires vapor recovery systems to reduce emissions to a level not to exceed a VOC true partial pressure of 0.5 psia in the vent gases to the atmosphere. Lockheed suggested that §115.137(a)(2) be revised to include VOC water separators which separate materials having a VOC true vapor pressure equal to 0.5 psia for consistency with §115.131(a).

Rule 115.137(a)(2) was not proposed for revision, and therefore the comments are outside the scope of this rulemaking. However, it should be noted that §115.137(a)(2) is based upon the VOC true vapor pressure (the aggregate pressure of VOC vapors in equilibrium with their liquid form),

while §115.131(a) is based upon VOC true partial pressure (the aggregate pressure due to the VOC components of a gaseous or vapor mixture, which equates to a concentration). Because §115.137(a)(2) and §115.131(a) are based upon different types of measurement, there is no inconsistency between these rules.

Lockheed commented on §115.137(a)(3), (b)(5), and (c)(4), which exempt VOC water separators designed solely to capture stormwater, spills, or exterior surface cleanup waters from the control requirements. Lockheed commented that records would still be required for these separators, although the records would not be needed to establish that the units qualified for exemption under §115.137(a)(3), (b)(5), and (c)(4). Lockheed suggested that these VOC water separators be exempt from the entire undesignated head (concerning Water Separation) rather than just from the control requirements.

The commission agrees and has made the suggested revisions.

INDUSTRIAL WASTEWATER

Comments concerning §115.147(5) are discussed in the section titled 80% and 90% overall control options.

LOADING AND UNLOADING OF VOC

TCC commented on proposed §115.211(a)(1) and stated that the term “transferred” is ambiguous and needs clarification.

The term “transferred” is intended to mean “loaded into transport vessels,” and as a practical matter, most if not all gasoline transfers at a gasoline terminal are from storage tanks into transport vessels. The commission has revised §115.211(a)(1) to clarify this intent. A similar change needs to be made in §115.211(b), but this rule was not proposed for change and will be addressed in future rulemaking.

TCC commented on proposed §115.211(a)(3) and stated that “overall process control efficiency” for marine terminals is ambiguous and needs clarification.

This rule is intended to establish the minimum acceptable efficiency of the marine terminal’s control device in reducing VOCs entering the control device. For marine vessel loading operations, determining the capture efficiency of VOCs collected and delivered to the control device is problematic. Therefore, the marine vessel loading rules address capture efficiency through requirements designed to minimize leaks. Since §115.211(a)(3) is not intended to include capture efficiency, the commission has revised this rule to clarify that the control efficiency refers to the efficiency of the control device itself.

TCC commented on proposed §115.212(a)(2) and noted that vapors remaining in the transport vessel after unloading must be routed to a vapor recovery system when the transport vessel is refilled, although the VOC loading rules allow some loading of transport vessels without vapor recovery (for example, under §115.217(a)(6), which allows a 90% overall control of VOC loading emissions).

The commission agrees that the requirement to discharge the vapors remaining in the transport vessel after unloading to a vapor recovery system should not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required, and has revised §§115.212(a)(2), 115.212(a)(6)(C), and 115.222(7) accordingly. Similar language is needed for §115.212(b)(2) and §115.212(c)(2), but those rules cannot be clarified at this time because they were not proposed for revision. Changes to these two rules will be addressed in future rulemaking.

No comments were received on §115.215(a)(8), which references the federal test methods in 40 CFR 63.565(c) and 40 CFR 61.304(f) for determining the vapor tightness of marine vessels. However, it has come to the commission's attention that some marine vessels, particularly those operating under a foreign flag, have been arriving at marine terminals in the Houston/Galveston ozone nonattainment area without documentation of the required annual vapor tightness test. The marine terminal operators have asked if relief from the annual vapor tightness test is available in this situation.

As noted in the discussion of a comment on §115.211(a)(3), the marine vessel loading rules include measures designed to minimize leaks as a means of ensuring good capture efficiency from marine vessel loading operations. Specifically, these measures include §115.212(a)(8)(B), which requires that only certified leak-free marine vessels be used for loading operations; the definition of leak-free marine vessel, which includes requirements for cargo tank closures and pressure/vacuum valves; §115.214(a)(4), which requires inspections for liquid and vapor leaks; and §115.216(a)(6)(B), which requires certification that the marine vessel has passed the annual vapor tightness test using the test methods in §115.215(a)(8). In situations where no documentation of the required annual vapor tightness test is available, 40 CFR 63.565(c)(2) allows the use of Test Method 21 performed during loading to substitute for the annual vapor tightness test, provided that Test Method 21 is conducted during the final 20% of loading of each product tank of the marine vessel and is applied to any potential sources of vapor leaks on the vessel. Also, the definition of leak-free marine vessel assumes that a marine vessel which is operated at negative pressure will be leak-free because any vapor leaks will tend to leak into the system, rather than leaking out to the atmosphere as would otherwise be the case. To address the concerns of the marine terminal operators, the commission has revised §115.212(a)(8)(B) to clarify the alternatives available in the event that no documentation of a marine vessel's annual vapor tightness test is available. Recordkeeping requirements to document compliance with these alternatives will be added in future rulemaking because §115.216(a)(6)(B) was not proposed for revision at this time.

TCC commented on proposed §115.217(a)(5) for gasoline bulk plants and stated that the term “throughput” is ambiguous and needs clarification.

The term “throughput” in §115.217(a)(5) is intended to refer to the loading of gasoline into transport vessels. This is supported by EPA’s CTG document for gasoline bulk plants, which on page 6-1 defines a bulk plant as “any facility loading gasoline into account trucks at 76,000 liters or less per day” (i.e., 20,000 gallons per day). The commission has revised §115.217(a)(5) to clarify this intent. A similar change needs to be made to the definitions of gasoline bulk plant and gasoline terminal, but these definitions were not proposed for change and will be addressed in future rulemaking.

TCC commented on §115.217(a)(8)(C) and stated that the wording concerning vapor balance systems which requires that the vapors be processed by a vapor processing unit is inconsistent with the definition of vapor balance system.

The commission has made the suggested change.

HL&P commented that there is no language in §§115.211-115.219 which excludes motor vehicle fuel dispensing stations from these rules, even though these facilities are subject to the more specific rules for Stage I, Stage II, and Control of Leaks from Transport Vessels. HL&P stated that it was their understanding that motor vehicle fuel dispensing stations are intended to comply with the rules for Stage

I, Stage II, and Control of Leaks from Transport Vessels, and not with the more general loading/unloading rules. HL&P suggested the addition of a new paragraph, §115.217(a)(10), to clarify this intent.

The commission agrees and has added the suggested exemption as §115.217(a)(9), (b)(5), and (c)(5).

Dallas commented that §115.219(4) incorrectly refers to §115.212(a)(9) rather than §115.212(a)(11).

The commission has corrected this rule reference.

STAGE I VAPOR RECOVERY

No comments were received on §§115.221-115.223, and 115.226, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities. However, in response to TCC's comments on proposed §115.212(a)(2), the commission has revised §115.222(7) to specify that the requirement to discharge the vapors remaining in a tank-truck tank after unloading to a vapor recovery system does not apply if the tank-truck tank is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.

FUGITIVE EMISSIONS AND ASSOCIATED DEFINITIONS

Mobil and TCC suggested that the definition of component be revised to delete the phrase “but not limited to” and should instead list the specific types of components included. TCC also suggested that flanges and other piping connectors be added to the list of components.

The commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. In addition, the definition of component was not proposed for revision; consequently, comments on this definition are beyond the scope of this rulemaking. Therefore, the commission has made no changes in response to the comments.

Mobil suggested the addition of a new definition of ERV, but did not include suggested language for this term.

Since this term is not used in the rules, a definition is unnecessary. The commission has made no changes in response to the comment.

Dallas noted that the existing definition of fugitive emission includes any gaseous or particulate contaminant, while the proposed definition includes only VOCs. Dallas questioned if this means that by definition there are no fugitive emissions, other than VOC, in Texas.

Chapter 115 only applies to VOC emissions. Therefore, the proposed definition of fugitive emission in §115.10 is specific to VOCs because this definition applies only to Chapter 115. The definition of fugitive emission in §101.1, which applies more broadly than the definition in §115.10, continues to include any gaseous or particulate contaminant.

Exxon Baytown, Mobil, and TCC suggested that the definition of leak be revised to delete the phrase “or the dripping or exuding of process fluid based on sight, sound, or smell.” Exxon Baytown and Mobil stated that the current leak definition is more stringent than federal requirements. Exxon Baytown, Mobil, and TCC stated that the suggested change would allow incorporating the option of leak verification by instrument monitoring of components which are found by sight/sound/smell to be dripping or exuding process fluid. The commenters suggested, in conjunction with their suggested revision to the definition of leak, that §§115.324(4), 115.352(1)(A)-(B), 115.352(2), and 115.354(4) be revised to incorporate the option of leak verification by instrument monitoring of components which are found by sight/sound/smell to be dripping or exuding process fluid.

The current definition of leak was adopted on May 10, 1991, in response to EPA requirements, and therefore is consistent with federal requirements. Because the suggested changes would represent a relaxation of existing requirements, the commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. In addition, §115.352(1)(A)-(B) was not proposed for revision;

consequently, comments on these subparagraphs are beyond the scope of this rulemaking. For these reasons, the commission has made no changes in response to the comments. However, because the term “leak” is used in a variety of rules in addition to the fugitive monitoring rules, the commission has retained the 10,000 ppmv level which was proposed for deletion and has also retained the proposed reference to the concentration level specified by the applicable rule to address situations in which the rules specify a leak threshold lower than 10,000 ppmv.

Mobil and TCC commented that since the 10,000 ppmv concentration is proposed for removal from the definition of leak, §115.322(1) should be revised to include the 10,000 ppmv concentration.

Because the commission has retained the 10,000 ppmv concentration in the definition of leak, the suggested change is unnecessary.

Exxon Baytown, Mobil, and TCC suggested the addition of a new definition of shutdown as developed by the consolidated fugitive emissions workgroup. In conjunction with their suggested addition of a new definition of shutdown, Mobil and TCC suggested revisions to §115.322(2). Mobil also suggested that “next scheduled shutdown” be changed to “next shutdown” in §115.322(2). In addition, Exxon Baytown, Mobil, and TCC suggested revisions to §115.352(2) in conjunction with their suggested new definition of shutdown. Finally, TCC recommended clarifying §115.356(1)(G)(iv) by revising “those leaks that cannot be repaired until a unit shutdown” to “the identification of those components that cannot be repaired until the next unit shutdown.”

The commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. In addition, §115.356(1)(G)(iv) was not proposed for revision; consequently, comments on this rule are beyond the scope of this rulemaking. Therefore, the commission has made no changes in response to the comments.

Mobil and TCC commented on §115.324(7)(A) and suggested that the current requirement for executive director approval of alternate valve monitoring schedules be replaced with a notification requirement without executive director approval. Mobil made an identical comment on §115.354(7)(A).

The commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. Therefore, the commission has made no changes in response to the comments.

Mobil and TCC suggested the addition of a new §115.327(7) and a new §115.357(10) which would exempt open-ended lines and valves in emergency shutdown systems.

The commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties,

including EPA, the opportunity to comment on the proposed changes. Therefore, the commission has made no changes in response to the comments.

TCC recommended the addition of a new definition of process drain or, alternatively, revision to §115.354(1)(A) to clarify the meaning of this term. TCC did not include suggested language.

This issue is one which was already scheduled to be addressed in future rulemaking (Fugitive Emissions - Phase Two). In addition, §115.354(1)(A) was not proposed for revision. In order to allow interested persons the opportunity to comment on the proposed rule language, the commission is deferring this issue to future rulemaking.

TCC commented that §115.354(7) should be revised to reflect the new Chapter Designation.

Neither the chapter title nor the undesignated head title are referenced in this paragraph. Therefore, the commission has made no change in response to the comment.

TCC noted that §115.354(7) requires that each request for an alternate valve monitoring schedule include “all” data that have been developed to justify the alternate schedule. TCC commented that “all” data could be interpreted to include records for thousands of valves in each of the time periods. TCC stated that the data required should be limited to the percentage of leaking valves for each period and the calculations.

The data necessary to justify an alternate valve monitoring schedule will include the percentage of leaking valves and valves for which repair has been delayed for each period and the associated calculations. Questions concerning the level of detail needed to properly document requests for alternate monitoring schedules should be discussed with the Engineering Services Section on a case-by-case basis. The commission has made no changes in response to the comment.

TCC suggested that §115.354(7)(A)-(B) be revised to allow semi-annual monitoring or annual monitoring, rather than allowing companies to skip one or three of the quarterly monitoring periods.

Because the suggested change would represent a relaxation of existing requirements, the commission believes that any such changes should not be made at this time, but rather should be considered for possible inclusion in future rulemaking in order to allow all affected parties, including EPA, the opportunity to comment on the proposed changes. Therefore, the commission has made no changes in response to the comment.

Exxon Baytown, Mobil, and TCC supported the proposed deletion of directed maintenance from §115.352(2).

The commission appreciates the support.

ARCO, Mobil, and TCC recommended the addition of a new definition of storage tank valve. Mobil recommended the addition of a new definition of pressure/vacuum relief valve (PVRV), while TCC suggested that PVRV or conservation vent be used rather than the term storage tank valve. TCC also suggested that the exemption from monitoring specified in §115.357(2) be revised to specifically include PVRVs or conservation vents.

This issue is one which was already scheduled to be addressed in future rulemaking (Fugitive Emissions - Phase Two). In order to allow interested persons the opportunity to comment on the proposed rule language, the commission is deferring this issue to future rulemaking.

TCC commented on §115.357(8) and suggested a revision to clarify that non-repairable components must be repaired within 15 days after the concentration of VOC detected via Test Method 21 exceeds 10,000 ppmv.

The commission has made the suggested change and has also clarified that the 15-day leak repair period is 15 calendar days.

SURFACE COATING PROCESSES

TCC stated that §115.421 should only apply to manufacturing sources that have Standard Industrial Classification (SIC) codes 38 through 39 (i.e., those facilities that have a coating line as part of the

manufacturing process), and that the painting of metal parts for maintenance purposes in the field or in a shop are not included.

The SIC codes specified for miscellaneous metal parts and products coating in the definition of surface coating processes include, but are not limited to, major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries). The industrial categories and SIC codes listed do not represent an all-inclusive list of operations that include the surface coating of miscellaneous metal parts or products because it is impractical to include the entire miscellaneous metal parts and products universe in a single list. This definition is consistent with EPA's reasonably available control technology (RACT) guidance. The EPA has also interpreted that the miscellaneous metal parts and products coating RACT requirement applies generally to repetitive recoating of metal parts occurring at a central location, including newspaper racks, locomotives, railcars, and transformers.

Architectural coatings are defined in §115.10 as “any protective or decorative coating applied to the interior or exterior of a building or structure, including latex paint, alkyd paints, stains, lacquers, varnishes, and urethanes.” Consequently, coatings used in the field to coat or recoat an existing structure are classified as architectural coatings. Industrial maintenance coatings are a specialized type of architectural coatings. It should also be noted that the definition of surface

coating processes was not proposed for revision. The commission has made no changes in response to the comment.

An individual commented on §115.427(a)(6), which exempts the repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and the repair and recoating of vehicles by private individuals. The individual objected to weakening of existing rules.

The proposed exemption does not weaken existing rules, but simply relocates an exemption from the definition of vehicle refinishing (body shops) to a more appropriate location within the exemption section. The commission has made no changes in response to the comment.

Dallas commented on §115.427(a)(6) and stated that the recoating of vehicles for commercial purposes should not be considered as “private individuals.”

The intent of §115.427(a)(6) is to allow a hobbyist to repair and repaint a vehicle himself without being subject to the requirements of §115.421(a)(8)(B) and §115.422(1)-(2). The commission expects that this repair and repainting will generally be done at the private individual’s residence. If the recoating of a private individual’s vehicle occurs at a commercial operation, then the exemption of §115.427(a)(6) is not applicable. The commission has revised §115.427(a)(6) to clarify this intent.

OFFSET LITHOGRAPHIC PRINTING

TCC commented on §115.442(1)(B) and suggested that the last sentence, concerning non-alcohol additives and alcohol substitutes, is redundant and should be deleted.

The commission has deleted the word “alternatively” from this sentence to make it clear that non-alcohol additives and alcohol substitutes (both of which are likely to contain VOCs) are acceptable.

TCC suggested that §115.449(b) and (c) be combined into a single paragraph.

Section 115.449 contains a separate paragraph for each affected ozone nonattainment area to allow for implementation of the offset printing rules on different schedules in the various areas.

The commission has made no changes in response to the comment.

PHARMACEUTICAL MANUFACTURING FACILITIES

TCC’s comments on §115.532(a)(5) were addressed under the General Comments.

PETROLEUM DRY CLEANING SYSTEMS

TCC suggested that §115.559(a)-(c) be combined into a single paragraph.

Section 115.559 contains a separate paragraph for each affected ozone nonattainment area to allow for implementation of the petroleum dry cleaning rules on different schedules in the various areas. The commission has made no changes in response to the comment.

Dallas commented that the titles of §§115.552, 115.553, and 115.555-115.557 are included in §115.559(a) but not in §115.559(b) and (c).

The section titles are not repeated in §115.559(b) and (c) because the *Texas Register* only requires that the titles be given once in a section. The commission has made no changes in response to the comment.

STATUTORY AUTHORITY

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

SUBCHAPTER A : DEFINITIONS

§115.10. Definitions.

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

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

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

Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation - A SOCMI noncontinuous distillation operation in which a discrete quantity or batch of

liquid feed is charged into a distillation unit and distilled at one time. After the initial charging of the liquid feed, no additional liquid is added during the distillation operation.

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

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

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

Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process - A

SOCMI unit operation in which one or more chemicals, or reactants other than air, are combined or decomposed in such a way, that their molecular structures are altered and one or more new organic compounds are formed.

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

Vehicle refinishing (body shops) - The repair and recoating of vehicles, including, but not limited to, motorcycles, passenger cars, vans, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses, and other vehicle body parts, bodies, and cabs by a commercial operation other than the original manufacturer. The repair and recoating of trailers and construction equipment are not included.

Volatile organic compound - Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), perchloroethylene (tetrachloroethylene), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 2-chloro-

1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), parachlorobenzotrifluoride (PCBTF), cyclic, branched, or linear completely methylated siloxanes, acetone, 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca), 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb), 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

STORAGE OF VOLATILE ORGANIC COMPOUNDS

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

§115.112. Control Requirements.

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

(1) (No change.)

(2) For floating roof storage tanks subject to the provisions of paragraph (1) of this subsection, the following requirements shall apply.

(A)-(E) (No change.)

(F) For external floating roof storage tanks, secondary seals shall be the rim-mounted type (the seal shall be continuous from the floating roof to the tank wall). The accumulated area of gaps that exceed 1/8 inch (0.32 cm) in width between the secondary seal and tank wall shall be no greater than 1.0 in² per foot (21 cm²/meter) of tank diameter.

(3) (No change.)

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

(1) (No change.)

(2) For floating roof storage tanks subject to the provisions of paragraph (1) of this subsection, the following requirements shall apply.

(A)-(E) (No change.)

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

(c) (No change.)

§115.114. Inspection Requirements.

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

(1) For internal floating roof storage tanks, the internal floating roof and the primary seal or the secondary seal (if one is in service) shall be visually inspected through a fixed roof inspection hatch at least once every 12 months. If the internal floating roof is not resting on the surface of the volatile organic compounds (VOC) inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title (relating to Degassing or Cleaning of Stationary, Marine, and Transport Vessels). If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(2) For external floating roof storage tanks, the secondary seal gap shall be physically measured at least once every 12 months to insure compliance with §115.112(a)(2)(F) of this title (relating to Control Requirements). If the secondary seal gap exceeds the limitations specified by §115.112(a)(2)(F) of this title, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title. If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) (No change.)

(4) For external floating roof storage tanks, the secondary seal shall be visually inspected at least once every six months to ensure compliance with §115.112(a)(2)(E)-(F) of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with §§115.541-115.547 of this title. If a failure

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

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

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

(2) For external floating roof storage tanks, the secondary seal gap shall be physically measured at least once every 12 months to insure compliance with §115.112(b)(2)(F) of this title. If the secondary seal gap exceeds the limitations specified by §115.112(b)(2)(F) of this title, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) (No change.)

(4) For external floating roof storage tanks, the secondary seal shall be visually inspected at least once every 12 months to insure compliance with §115.112(b)(2)(E)-(F) of this title. If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank. If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two

extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension shall include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

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

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

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

§115.115. Approved Test Methods.

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

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

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

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

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

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

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

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

§115.116. Monitoring and Recordkeeping Requirements.

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

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

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

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

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

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

§115.119. Counties and Compliance Schedules.

(a) All persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties affected by the requirement to calculate and report emissions resulting from secondary seal gaps that exceed 1/8 inch (0.32 cm) where the accumulated area of such gaps is greater than 1.0 square inch per foot (21 square centimeters per meter) of tank diameter as specified in §115.116(a)(2) of this title (relating to

Monitoring and Recordkeeping Requirements) shall be in compliance with these calculation and emission reporting requirements beginning with the calendar year that starts on January 1, 1996.

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

VENT GAS CONTROL

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

§115.121. Emission Specifications.

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

(1) No person may allow a vent gas stream containing volatile organic compounds (VOC) to be emitted from any process vent, unless the vent gas stream is controlled properly in accordance with §115.122(a)(1) of this title (relating to Control Requirements).

(2) No person may allow a vent gas stream to be emitted from the following processes unless the vent gas stream is controlled properly in accordance with §115.122(a)(2) of this title:

(A) any synthetic organic chemical manufacturing industry reactor process or distillation operation;

(B) any air oxidation synthetic organic chemical manufacturing process;

(C) any liquid phase polypropylene manufacturing process;

(D) any liquid phase slurry high-density polyethylene manufacturing process;

or

(E) any continuous polystyrene manufacturing process.

(3) In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from bakery ovens, as defined in §115.10 of this title, shall be controlled properly in accordance with §115.122(a)(3) of this title.

(b) In Nueces and Victoria Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is controlled properly in accordance with §115.122(b) of this title:

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

(c) For persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, the following emission specifications shall apply:

(1) No person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is controlled properly in accordance with §115.122(c)(1) of this title:

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

(2) No person may allow a vent gas stream to be emitted from any catalyst regeneration of a petroleum or chemical process system, basic oxygen furnace, or fluid coking unit into the atmosphere, unless the vent gas stream is properly controlled in accordance with §115.122(c)(2) of this title.

(3) No person may allow a vent gas stream to be emitted from any iron cupola into the atmosphere, unless the vent gas stream is properly controlled in accordance with §115.122(c)(3) of this title.

(4) Vent gas streams from blast furnaces shall be controlled properly in accordance with §115.122(c)(4) of this title.

§115.122. Control Requirements.

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

(1) Any vent gas streams affected by §115.121(a)(1) of this title (relating to Emission Specifications) must be controlled properly with a control efficiency of at least 90% or to a volatile organic compound (VOC) concentration of no more than 20 parts per million by volume (ppmv) (on a dry basis corrected to 3% oxygen for combustion devices):

(A) in a direct-flame incinerator at a temperature equal to or greater than 1300°F (704°C);

(B) in a smokeless flare; or

(C) by any other vapor recovery system, as defined in §115.10 of this title (relating to Definitions).

(2) Any vent gas streams affected by §115.121(a)(2) of this title must be controlled properly with a control efficiency of at least 98% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices):

(A) in a smokeless flare; or

(B) by any other vapor recovery system, as defined in §115.10 of this title.

(3) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from each bakery with a bakery oven vent gas stream(s) affected by §115.121(a)(3) of this title shall be reduced as follows.

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

(4) Any vent gas stream that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.127(a) of this title (relating to Exemptions) shall remain subject to the provisions of this subsection, even if throughput or emissions later fall below the exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.127(a) of this title; and:

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project,

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

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

(b) For all persons in Nueces and Victoria Counties, any vent gas streams affected by §115.121(b) of this title must be controlled properly with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices):

(1) in a direct-flame incinerator at a temperature equal to or greater than 1300°F (704°C);

(2) in a smokeless flare; or

(3) by any other vapor recovery system, as defined in §115.10 of this title.

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

(1) Any vent gas streams affected by §115.121(c)(1) of this title must be controlled properly:

(A) in a direct-flame incinerator at a temperature equal to or greater than 1300°F (704°C);

(B) in a smokeless flare; or

(C) by any other vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices).

(2) Any vent gas streams affected by §115.121(c)(2) of this title must be controlled properly:

(A) in a direct-flame incinerator or boiler at a temperature equal to or greater than 1300°F (704°C); or

(B) by any other vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices).

(3) Any vent gas streams affected by §115.121(c)(3) of this title must be controlled properly:

(A) at a temperature equal to or greater than 1300°F (704°C) in an afterburner having a retention time of at least one-fourth ($\frac{1}{4}$) of a second, and having a steady flame that is not affected by the cupola charge and relights automatically if extinguished; or

(B) by any other vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices).

(4) Any vent gas streams affected by §115.121(c)(4) of this title must be controlled properly:

(A) in a smokeless flare or in a combustion device used in a heating process associated with the operation of a blast furnace ; or

(B) by any other vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices).

§115.123. Alternate Control Requirements.

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

(1) Alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Vent Gas Control) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(2) (No change.)

(b) For all persons in Nueces and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Vent Gas Control) may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.

(c) For all persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control

requirements or exemption criteria in this undesignated head (relating to Vent Gas Control) may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.

§115.126. Monitoring and Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any facility which emits volatile organic compounds (VOC) through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the executive director, United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following.

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

(3) As an alternative to the requirements of paragraph (2) of this subsection, records for each vent exempted from control requirements in accordance with §115.127(a) of this title and having a VOC emission rate or concentration less than 50% of the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit. These records shall include complete information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual

operating conditions are less than 50% of the applicable exemption limits. This documentation shall include the operating parameter levels that occurred during any testing, and the maximum levels feasible for the process.

(4) For bakeries affected by §115.122(a)(3)(A)-(B) of this title (relating to Control Requirements), the following additional requirements apply.

(A) The owner or operator of each bakery shall submit an initial control plan no later than May 31, 1995, to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the bakery's 1990 baseline emissions inventory will be at least 30% by May 31, 1996. At a minimum, the control plan shall include the emission point number (EPN) and the facility identification number (FIN) of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the 1990 VOC emission rates (consistent with the bakery's 1990 emissions inventory). The projected 1996 VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(B) In order to document continued compliance with §115.122(a)(3) of this title, the owner or operator of each bakery shall submit an annual report no later than March 31 of each year to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the

bakery's 1990 baseline emissions inventory during the preceding calendar year is at least 30% after May 31, 1996. At a minimum, the report shall include the EPN and FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the VOC emission rates. The emission rates for the proceeding calendar year shall be calculated in a manner consistent with the 1990 emissions inventory.

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

(5) For bakeries affected by §115.122(a)(3)(C) and (D) of this title, the following additional requirements apply.

(A) No later than six months after the commission publishes notification in the *Texas Register* as specified in §115.129(a)(4) of this title (relating to Counties and Compliance

Schedules), the owner or operator of each bakery shall submit an initial control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the bakery's 1990 baseline emissions inventory will be at least 30%. At a minimum, the control plan shall include the EPN and the FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the 1990 VOC emission rates (consistent with the bakery's 1990 emissions inventory). The projected VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(B) In order to document continued compliance with §115.122(a)(3) of this title, the owner or operator of each bakery shall submit an annual report no later than March 31 of each year to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the bakery's 1990 baseline emissions inventory during the preceding calendar year is at least 30%. At a minimum, the report shall include the EPN and FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the VOC emission rates. The emission rates for the proceeding calendar year shall be calculated in a manner consistent with the 1990 emissions inventory.

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

variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the bakery submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from the bakery's 1990 baseline emissions inventory continues to be at least 30%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(6) The owner or operator of a facility that uses a flare to meet the requirements of §115.122(a)(2) shall install, calibrate, maintain, and operate according to the manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

(b) For Victoria County, the owner or operator of any facility which emits VOC through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the executive director, EPA, or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following:

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

(3) As an alternative to the requirements of paragraph (2) of this subsection, records for each vent exempted from control requirements in accordance with §115.127(b) of this title and having a VOC emission rate or concentration less than 50% of the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit. These records shall include complete information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual operating conditions are less than 50% of the applicable exemption limits. This documentation shall include the operating parameter levels that occurred during any testing, and the maximum levels feasible for the process.

§115.127. Exemptions.

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

(1) (No change.)

(2) The following vent gas streams are exempt from the requirements of §115.121(a)(1) of this title:

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

(C) until November 15, 1999, for facilities which have been assigned the code number 26 as described in the document Standard Industrial Classification (SIC) Manual, 1972, as amended by the 1977 Supplement, a vent gas stream specified in §115.121(a)(1) of this title with a concentration of VOC less than 0.44 psia true partial pressure (30,000 ppm);

(D) a vent gas stream which is subject to §115.121(a)(2) or (3) of this title; and

(E) a vent gas stream which qualifies for exemption under paragraphs (3), (4)(B), (4)(C), (4)(D), (4)(E), or (5) of this subsection.

(3) The following vent gas streams are exempt from the requirements of §115.121(a)(2)(B)-(E) of this title:

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

(4) For synthetic organic chemical manufacturing industry (SOCMI) reactor processes and distillation operations:

(A) Any reactor process or distillation operation that is designed and operated in a batch mode is exempt from the requirements of §115.121(a)(2)(A) of this title. For the purposes of this subparagraph, batch mode means any noncontinuous reactor process or distillation operation which is not characterized by steady-state conditions, and in which the addition of reactants does not occur simultaneously with the removal of products.

(B) Any reactor process or distillation operation operating in a process unit with a total design capacity of less than 1,100 tons per year, for all chemicals produced within that unit, is exempt from the requirements of §115.121(a)(2)(A) of this title.

(C) Any reactor process or distillation operation vent gas stream with a flow rate less than 0.011 standard cubic meters per minute or a VOC concentration less than 500 parts per million by volume is exempt from the requirements of §115.121(a)(2)(A) of this title.

(D) Any distillation operation vent gas stream which meets the requirements of 40 Code of Federal Regulations (CFR) 60.660(c)(4) or 60.662(c) (concerning Subpart NNN - Standards of Performance for VOC Emissions From SOCFI Distillation Operations, effective June 29, 1990) is exempt from the requirements of §115.121(a)(2)(A) of this title.

(E) Any reactor process vent gas stream which meets the requirements of 40 CFR 60.700(c)(2) or 60.702(c) (concerning Subpart RRR - Standards of Performance for VOC

Emissions From SOCFI Reactor Processes, effective November 27, 1995) is exempt from the requirements of §115.121(a)(2)(A) of this title.

(5) Bakeries are exempt from the requirements of §115.121(a)(3) and §115.122(a)(3) of this title (relating to Emission Specifications and Control Requirements) if the total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, is less than 25 tons per calendar year.

(6)-(7) (No change.)

(b) (No change.)

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

(1) The following vent gas streams are exempt from the requirements of §115.121(c)(1) of this title:

(A) a vent gas stream from a low-density polyethylene plant provided that no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of solidified product;

(B) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(c)(1)(B)-(C) of this title equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period; and

(C) a vent gas stream having a concentration of the VOC specified in §115.121(c)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (30,000 ppm).

(2) A vent gas stream specified in §115.121(c)(2) of this title which emits less than or equal to 5 tons (4,536 kg) of total uncontrolled VOC in any one calendar year is exempt from the requirements of §115.121(c)(2) of this title.

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

§115.129. Counties and Compliance Schedules.

All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Vent Gas Control) in accordance with the following schedules:

(1) All affected synthetic organic chemical manufacturing industry reactor process or distillation operations in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston,

Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.121(a)(2)(A) of this title (relating to Emission Specifications) as soon as practicable, but no later than November 15, 1996.

(2) All affected bakeries in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §§115.121(a)(3), 115.122(a)(3), 115.126(a)(4), and 115.127(a)(5) of this title (relating to Emission Specifications; Control Requirements; Monitoring and Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than May 31, 1996.

(3) All bakeries in Collin, Dallas, Denton, and Tarrant Counties affected by §115.122(a)(3)(B) of this title shall be in compliance with §§115.121(a)(3), 115.122(a)(3), 115.126(a)(4), and 115.127(a)(5) of this title as soon as practicable, but no later than May 31, 1996.

(4) All bakeries in Collin, Dallas, Denton, and Tarrant Counties affected by §115.122(a)(3)(C) of this title shall be in compliance with §§115.121(a)(3), 115.122(a)(3)(C), 115.126(a)(5), and 115.127(a)(5) of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act (FCAA), §172(c)(9).

(5) All bakeries in El Paso County affected by §115.122(a)(3)(D) of this title shall be in compliance with §§115.121(a)(3), 115.122(a)(3)(D), 115.126(a)(5), and 115.127(a)(5) of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the FCAA, §172(c)(9).

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

WATER SEPARATION

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

§115.132. Control Requirements.

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

(1) the compartment totally encloses the liquid contents and has all openings (such as roof seals and access doors) sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through a pressure relief valve. All gauging and sampling devices shall be vapor-tight except during gauging or sampling. The pressure relief valve must be designed to

open only as necessary to allow proper operation, and must be set at the maximum possible pressure necessary for proper operation, but such that the valve will not vent continuously;

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

(4) any water separator that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.137(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below the exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.137(a) of this title; and

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

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

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

(1) the compartment totally encloses the liquid contents and has all openings (such as roof seals and access doors) sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through a pressure relief valve. All gauging and sampling devices shall be vapor-tight except during gauging or sampling. The pressure relief valve must be designed to open only as necessary to allow proper operation, and must be set at the maximum possible pressure necessary for proper operation, but such that the valve will not vent continuously;

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

(c) For Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, no person shall use any single or multiple compartment VOC water separator which separates materials containing

VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC, unless each compartment is controlled in one of the following ways:

(1) the compartment totally encloses the liquid contents and has all openings (such as roof seals and access doors) sealed such that the separator can hold a vacuum or pressure without emissions to the atmosphere, except through a pressure relief valve. All gauging and sampling devices shall be vapor-tight except during gauging or sampling. The pressure relief valve must be designed to open only as necessary to allow proper operation, and must be set at the maximum possible pressure necessary for proper operation, but such that the valve will not vent continuously;

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

§115.136. Monitoring and Recordkeeping Requirements.

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

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

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

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

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

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

§115.137. Exemptions.

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

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

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

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

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

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

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

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

(4) Any single or multiple compartment VOC water separator which is designed solely to capture stormwater, spills, or exterior surface cleanup waters is exempt from this undesignated head

(relating to Water Separation), provided that the separator is fully covered. These separators are not required to be equipped with pressure/vacuum vents or vapor recovery systems.

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

INDUSTRIAL WASTEWATER

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

§115.146. Recordkeeping Requirements.

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

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

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

§115.147. Exemptions.

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

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

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

(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a wastewater component for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of VOC emissions at the account from wastewater from affected source categories will be at least 90% less than the 1990 baseline emissions inventory. Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. At a minimum, the control plan shall include the applicable emission point number (EPN); the facility identification number (FIN); the

calendar year 1990 emission rates of wastewater from affected source categories (consistent with the 1990 emissions inventory); a plot plan showing the location, EPN, and FIN associated with a wastewater storage, handling, transfer, or treatment facility; the VOC emission rates for the preceding calendar year; and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance. The VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

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

(C) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control

of emissions unless the owner or operator of the wastewater component submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the account from wastewater from affected source categories continues to be at least 90% less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

§115.149. Counties and Compliance Schedules.

(a) (No change.)

(b) For Hardin, Jefferson, and Orange Counties, any person who is the owner or operator of an affected source category within a plant shall be in compliance with this undesignated head (relating to Industrial Wastewater) as soon as practicable, but no later than three years, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

MUNICIPAL SOLID WASTE LANDFILLS

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

§115.153. Alternate Control Requirements.

For all persons in the Houston/Galveston, El Paso, and Dallas/Fort Worth ozone nonattainment areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Municipal Solid Waste Landfills) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.156. Monitoring and Recordkeeping Requirements.

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

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

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

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

(E) notification of closure.

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

(ii) (No change.)

§115.159. Counties and Compliance Schedule.

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

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

(c) All affected MSWLFs in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with this undesignated head (relating to Municipal Solid Waste Landfills) as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the National Ambient Air Quality Standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER C : VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

LOADING AND UNLOADING OF VOLATILE ORGANIC COMPOUNDS

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

§115.211. Emission Specifications.

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

(1) Volatile organic compound (VOC) emissions from gasoline terminals shall be reduced to a level not to exceed 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons (10.8 mg/liter) of gasoline loaded into transport vessels.

(2) (No change.)

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

(b) (No change.)

§115.212. Control Requirements.

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

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

(2) No person shall permit the unloading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions from any transport vessel unless the transport

vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel after unloading are discharged to a vapor recovery system if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The requirement to discharge the vapors remaining in the transport vessel after unloading to a vapor recovery system does not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.

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

(A) All liquid and vapor lines are:

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

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

(B) There are no VOC leaks, as defined in §115.10 of this title, when measured with a hydrocarbon gas analyzer, and no liquid or vapor leaks, as detected by sight, sound, or

smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

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

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

(ii) not occur while VOC is being transferred.

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

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

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

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

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

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

(C) the transport vessel is kept vapor-tight at all times until the vapors remaining in the transport vessel are discharged to a vapor recovery system, if the transport vessel is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The requirement to discharge the vapors remaining in the transport vessel after unloading to a vapor recovery system does not apply if the transport vessel is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.

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

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

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

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

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

(8) For marine terminals in the Houston/Galveston area, the following control requirements shall apply.

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

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

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

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

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

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

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

(ii) not occur while VOC is being transferred.

(9) For gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, each vapor recovery system shall be instrumented in such a way that the pump(s) transferring fuel to the transport vessels will not operate unless the vapor recovery system is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor recovery system serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(10) Any loading or unloading operation that becomes subject to the provisions of this subsection by exceeding provisions of §115.217(a) of this title (relating to Exemptions) will remain subject to the provision of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.217(a) of this title; and

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

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

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

§115.214. Inspection Requirements.

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

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

(4) For marine terminals in the Houston/Galveston area, the following inspection requirements shall apply.

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

(E) All shore-based equipment is subject to the fugitive emissions monitoring requirements of §§115.352-115.357 and 115.359 of this title (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone

Nonattainment Areas). For the purposes of this paragraph, shore-based equipment includes, but is not limited to, all equipment such as loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves between the marine loading facility and the vapor recovery system and between the marine loading facility and the associated land-based storage tanks, excluding working emissions from the storage tanks.

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

(b) (No change.)

§115.215. Approved Test Methods.

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

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

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

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

(b) (No change.)

§115.216. Monitoring and Recordkeeping Requirements.

(a) For volatile organic compound (VOC) loading or unloading operations in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211(a) or §115.212(a) of this title (relating to Emission Specifications; and Control Requirements), the owner or operator shall maintain the following information at the plant as defined by its air quality account

number for at least two years and shall make such information available upon request to representatives of the executive director, United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area:

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

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

(6) For marine terminals in the Houston/Galveston area:

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

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

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

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

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

§115.217. Exemptions.

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

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

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

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

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

(A) all unloading of marine vessels; and

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

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

(6) VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals are exempt from the control requirements of §115.212(a)(1) of this title if the overall control of emissions at the account from the loading of VOC (excluding VOC loading into marine vessels and VOC loading at gasoline terminals and gasoline bulk plants) with a true vapor pressure

between 0.5 and 11 psia under actual storage conditions is at least 90%, and the following requirements are met.

(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions will be at least 90%. Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year to the executive director, the appropriate regional office, and any local air pollution control

program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions during the preceding calendar year is at least 90%. For each loading rack and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

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

(D) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan

to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the most recent emissions inventory.

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

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

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

(C) marine loading operations which use a vapor balance system to control emissions from the marine vessel to fixed roof storage tank(s). For the purposes of this paragraph,

vapor balance system is defined as a closed system that transfers vapor displaced from the tank of a vessel receiving cargo into a tank of the vessel or facility delivering cargo via an arrangement of piping and hoses used to collect vapor emitted from a vessel's cargo tanks;

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

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

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

(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a marine terminal for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall

control of emissions at the marine terminal from the loading of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions into marine vessels will be at least 90%. Any control plan submitted after December 31, 1996 must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each marine loading facility and any associated control device at the marine terminal, the control plan shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each marine loading facility and any associated control device, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.

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

facility and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

(C) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the marine terminal submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after the change. All control plans and reports shall demonstrate that the overall control of emissions at the marine terminal from the loading into marine vessels of VOC with a true vapor pressure between 0.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the most recent emissions inventory.

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

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

(1) (No change.)

(2) Any plant, as defined by its air quality account number, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(b) of this title.

(3) (No change.)

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

(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was not previously submitted shall submit a control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions will be at least 90%. Any control plan submitted after December 31, 1996, must be approved by the executive director before the owner or operator may use

the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.

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

(C) The owner or operator of the VOC loading operation shall submit an updated report no later than 30 days after the installation of an additional loading rack(s) or any change

in service of a loading rack(s) from loading VOC with a true vapor pressure less than 1.5 psia to loading VOC with a true vapor pressure greater than or equal to 1.5 psia, or vice versa. The report shall be submitted to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction and shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%.

(D) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the most recent emissions inventory.

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

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

(1) (No change.)

(2) Any plant, as defined by its air quality account number, having less than 20,000 gallons (75,708 liters) of VOC loaded into transport vessels per day (averaged over any consecutive 30-day period) with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions is exempt from the requirements of §115.212(c) of this title.

(3) (No change.)

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

(A) To qualify for the exemption available under this paragraph after December 31, 1996, the owner or operator of a VOC loading operation for which a control plan was

not previously submitted shall submit a control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions will be at least 90%. Any control plan submitted after December 31, 1996 must be approved by the executive director before the owner or operator may use the exemption available under this paragraph for compliance. For each loading rack and any associated control device at the account, the control plan shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions for the preceding calendar year, a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, the controlled and uncontrolled emission rates for the preceding calendar year, and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance.

(B) In order to maintain exemption status under this paragraph, the owner or operator of the VOC loading operation shall submit an annual report no later than March 31 of each year to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions during the preceding calendar year is at least 90% . For each loading rack and any associated control device at the account, the report shall include the EPN, the FIN, the throughput of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions for the preceding calendar year,

a plot plan showing the location, EPN, and FIN of each loading rack and any associated control device, and the controlled and uncontrolled emission rates for the preceding calendar year.

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

(D) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the VOC loading operation submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction no later than 30 days after the change. All control plans and reports shall demonstrate that the overall control of emissions at the account from the loading of VOC with a true vapor pressure between 1.5 and 11 psia under actual storage conditions continues to be at least 90%. The emission rates shall be calculated in a manner consistent with the most recent emissions inventory.

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

§115.219. Counties and Compliance Schedules.

All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

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

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

(4) All affected gasoline terminals in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller Counties shall be in compliance with §115.212(a)(9), §115.214(a)(5), and §115.216(a)(7) of this title as soon as practicable, but no later than November 15, 1996.

(5) (No change.)

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER C : VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

FILLING OF GASOLINE STORAGE VESSELS (STAGE I)

FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES

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

§115.221. Emission Specifications.

No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) shall transfer, or allow the transfer of, gasoline from any tank-truck tank into a stationary storage container which is located at a motor vehicle fuel dispensing facility, unless the displaced vapors from the gasoline storage container are controlled by one of the following:

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

§115.222. Control Requirements.

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

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

(7) the tank-truck tank is kept vapor-tight at all times until the captured vapors are discharged to a vapor recovery system, if the tank-truck tank is refilled, degassed, and/or cleaned in one of the counties in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The requirement to discharge the vapors remaining in the tank-truck tank after unloading to a vapor recovery system does not apply if the tank-truck tank is refilled, degassed, and/or cleaned at an operation for which control of the vapors is not required.

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

§115.223. Alternate Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.226. Recordkeeping Requirements.

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

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

(2) (No change.)

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER C : VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

CONTROL OF REID VAPOR PRESSURE OF GASOLINE

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

§115.253. Alternate Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Control Of Reid Vapor Pressure of Gasoline) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.256. Recordkeeping Requirements.

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

**SUBCHAPTER D : PETROLEUM REFINING, NATURAL GAS PROCESSING, AND
PETROCHEMICAL PROCESSES**

**PROCESS UNIT TURNAROUND AND VACUUM-PRODUCING
SYSTEMS IN PETROLEUM REFINERIES**

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

§115.311. Emission Specifications.

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

(1) No person may be allowed to emit any volatile organic compound (VOC) from a steam ejector or mechanical vacuum pump in a petroleum refinery unless the vent stream is controlled properly in accordance with §115.312(a) of this title (relating to Control Requirements).

(2) No person may be allowed to emit any VOC from a hotwell with a contact condenser unless the hotwell is covered and the vapors from the hotwell are controlled properly in accordance with §115.312(a) of this title.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following emission specifications on vacuum-producing systems shall apply:

(1) No person may be allowed to emit any VOC from a steam ejector or mechanical vacuum pump in a petroleum refinery, unless the vent stream is controlled properly in accordance with §115.312(b)(2) of this title.

(2) No person may be allowed to emit any VOC from a hotwell with a contact condenser, unless the hotwell is covered and the vapors from the hotwell are controlled properly in accordance with §115.312(b)(2) of this title.

§115.312. Control Requirements.

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

(1) (No change.)

(2) Vent gas streams affected by §115.311(a) of this title (relating to Emission Specifications) must be controlled properly with a control efficiency of at least 90% or to a volatile organic compound (VOC) concentration of no more than 20 parts per million by volume (ppmv) (on a dry basis corrected to 3% oxygen for combustion devices):

(A) in a direct-flame incinerator at a temperature equal to or greater than 1300°F (704°C);

(B) in a smokeless flare; or

(C) by any other vapor recovery system, as defined in §115.10 of this title (relating to Definitions).

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following control requirements shall apply:

(1) (No change.)

(2) Vent gas streams affected by §115.311(b) of this title must be controlled properly with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3% oxygen for combustion devices):

(A) in a direct-flame incinerator at a temperature equal to or greater than 1300°F (704°C);

(B) in a smokeless flare; or

(C) by any other vapor recovery system, as defined in §115.10 of this title.

§115.313. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements in this undesignated head (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements in this undesignated head (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) may be approved by the executive director in accordance with §115.910 of this title (relating

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

§115.319. Counties and Compliance Schedules.

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

**SUBCHAPTER D : PETROLEUM REFINING, NATURAL GAS PROCESSING,
AND PETROCHEMICAL PROCESSES**

**FUGITIVE EMISSION CONTROL IN PETROLEUM REFINERIES
IN GREGG, NUECES, AND VICTORIA COUNTIES**

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

§115.322. Control Requirements.

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

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

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

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

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

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

§115.323. Alternate Control Requirements.

For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply:

(1) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

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

§115.324. Inspection Requirements.

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

- (1) Measure yearly (with a hydrocarbon gas analyzer) the emissions from all:
 - (A) pump seals;
 - (B) pipeline valves in liquid service;
 - (C) process drains; and
 - (D) all valves elevated more than two meters above any permanent structure.
- (2) Measure quarterly (with a hydrocarbon gas analyzer) the emissions from all:
 - (A) compressor seals;
 - (B) pipeline valves in gaseous service; and

(C) pressure relief valves in gaseous service.

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

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

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

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

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

(A) After completion of the required quarterly valve monitoring for a period of at least two years, the operator of a refinery may request in writing to the executive director that the valve monitoring schedule be revised based on the percent of valves leaking. The percent of valves

leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed by the total number of valves subject to the requirements. This request shall include all data that have been developed to justify the following modifications in the monitoring schedule:

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

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

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

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

§115.325. Testing Requirements.

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

- (1) Test Method 21 (40 CFR 60, Appendix A, effective 6/22/90) for determining volatile organic compound (VOC) leaks. The leak detection equipment can be calibrated with methane, propane, or hexane, but the meter readout must be as parts per million by volume (ppmv) hexane;
- (2) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for 68°F (20°C) in accordance with API Publication 2517, Third Edition, 1989; or
- (3) minor modifications to these test methods approved by the executive director.

§115.326. Recordkeeping Requirements.

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

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

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

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

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

(C) the tag number of the component;

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

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

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

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

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

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

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

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

§115.327. Exemptions.

For all affected persons in Gregg, Nueces, and Victoria Counties, the following exemptions shall apply:

(1) Valves with a nominal size of two inches (5 cm) or less are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries),

provided allowable emissions at any refinery from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (5 cm) nominal size or smaller under this section shall, at the time he provides his control plan, also provide the following information:

(A) identification of valves or classes of valves to be exempted;

(B) an estimate of uncontrolled emissions from exempted valves, and an estimate of emissions if controls were applied, plus an explanation of how the estimates were derived; and

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

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

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

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

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

(6) Compressors in hydrogen service are exempt from the requirements of §115.324 of this title if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50.0% by volume.

§115.329. Counties and Compliance Schedules.

All affected persons in Gregg, Nueces, and Victoria Counties shall continue to comply with this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) as required by §115.930 of this title (relating to Compliance Dates).

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

**SUBCHAPTER D : PETROLEUM REFINING, NATURAL GAS PROCESSING,
AND PETROCHEMICAL PROCESSES**

**FUGITIVE EMISSION CONTROL IN SYNTHETIC ORGANIC CHEMICAL, POLYMER,
RESIN, AND METHYL TERT-BUTYL ETHER MANUFACTURING PROCESSES**

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

§115.332. Control Requirements. (Repeal.)

§115.333. Alternate Control Requirements. (Repeal.)

§115.334. Inspection Requirements. (Repeal.)

§115.335. Testing Requirements. (Repeal.)

§115.336. Recordkeeping Requirements. (Repeal.)

§115.337. Exemptions. (Repeal.)

§115.339. Counties and Compliance Schedules. (Repeal.)

This agency hereby certifies that the repeals as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

**SUBCHAPTER D : PETROLEUM REFINING, NATURAL GAS PROCESSING,
AND PETROCHEMICAL PROCESSES**

**FUGITIVE EMISSION CONTROL IN NATURAL GAS/GASOLINE
PROCESSING OPERATIONS**

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

§115.342. Control Requirements. (Repeal.)

§115.343. Alternate Control Requirements. (Repeal.)

§115.344. Inspection Requirements. (Repeal.)

§115.345. Testing Requirements. (Repeal.)

§115.346. Recordkeeping Requirements. (Repeal.)

§115.347. Exemptions. (Repeal.)

§115.349. Counties and Compliance Schedules. (Repeal.)

This agency hereby certifies that the repeals as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

**SUBCHAPTER D : PETROLEUM REFINING, NATURAL GAS PROCESSING, AND
PETROCHEMICAL PROCESSES**

**FUGITIVE EMISSION CONTROL IN PETROLEUM REFINING, NATURAL GAS/GASOLINE
PROCESSING, AND PETROCHEMICAL PROCESSES
IN OZONE NONATTAINMENT AREAS**

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

§115.352. Control Requirements.

For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), no person shall operate a petroleum refinery; a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether manufacturing process; or a natural gas/gasoline processing operation as defined in §115.10 of this title, without complying with the following requirements.

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

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

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

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

(9) For valves equipped with rupture discs, a pressure gauge or an equivalent device or system shall be installed between the relief valve and rupture disc to monitor disc integrity. All leaking

discs shall be replaced at the earliest opportunity, but no later than the next process shutdown.

Equivalent devices or systems shall be identified in a list to be made available upon request and must have been approved by the methods required by §115.353 of this title (relating to Alternate Control Requirements).

§115.353. Alternate Control Requirements.

For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.354. Inspection Requirements.

All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, shall conduct a monitoring program consistent with the following provisions.

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

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

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

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

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

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

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

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

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

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

(8) Alternate monitoring schedules approved before November 15, 1996, under §§115.324(a)(8)(A), 115.334(3)(A), and 115.344(3)(A) of this title (relating to Inspection Requirements), as in effect December 3, 1993, are approved monitoring schedules for the purposes of paragraph (7) of this section.

§115.356. Monitoring and Recordkeeping Requirements.

All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, shall have the following recordkeeping requirements:

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

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

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

(2) (No change.)

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

§115.357. Exemptions.

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

(1) (No change.)

(2) Storage tank valves, pressure relief valves equipped with a rupture disc or venting to a control device, components in continuous vacuum service, and valves that are not externally regulated (such as in-line check valves) are exempt from all the requirements of this undesignated head, except that each pressure relief valve equipped with a rupture disc shall comply with §115.352(9) of this title (relating to Control Requirements).

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

(8) Components in ethylene, propane, or propylene service, not to exceed 5% of the total components, may be classified as non-repairable beyond the second repair attempt at 500 ppmv.

These components will remain in the fugitive monitoring program and be repaired no later than 15 calendar days after the concentration of VOC detected via Test Method 21 exceeds 10,000 ppmv. For the purposes of this undesignated head, components which contact a process fluid with greater than 85% ethylene, propane, or propylene by weight are considered in ethylene, propane, or propylene service, respectively.

(9) (No change.)

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER E : SOLVENT-USING PROCESSES

SURFACE COATING PROCESSES

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

§115.421. Emission Specifications.

(a) No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/
Galveston areas as defined in §115.10 of this title (relating to Definitions) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title affected by paragraphs (1)-(13) of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area and those in paragraph (11) of this subsection which are based on the VOC content of architectural coatings sold or offered for sale. For the purposes of this undesignated head (relating to Surface Coating Processes), daily weighted average means the total weight of VOC emissions from all coatings, divided by the total volume of all coatings (minus water and exempt solvent) applied each day.

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

(13) Surface coating of wood parts and products.

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

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

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

(b) (No change.)

§115.422. Control Requirements.

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

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

(3) Any surface coating operation that becomes subject to the provisions of §115.421(a) of this title (relating to Emission Specifications) by exceeding the provisions of §115.427(a) of this title (relating to Exemptions) shall remain subject to the provisions in §115.421(a) of this title, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.427(a) of this title, and:

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

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

§115.424. Inspection Requirements.

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

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

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

(3) (No change.)

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

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

(2) (No change.)

§115.426. Monitoring and Recordkeeping Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) (No change.)

§115.427. Exemptions.

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

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

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

(6) The repair and recoating of vehicles at in-house (fleet) vehicle refinishing operations and the repair and recoating of vehicles by private individuals are exempt from the requirements of §115.421(a)(8)(B) and §115.422(1) and (2) of this title. This exemption is not applicable if the repair or recoating of a vehicle by a private individual occurs at a commercial operation.

(b) (No change.)

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER E : SOLVENT-USING PROCESSES

OFFSET LITHOGRAPHIC PRINTING

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

§115.442. Control Requirements.

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

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

(A) (No change.)

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

(C) Any person who owns or operates a nonheatset web offset lithographic printing press which does not print newspaper and that uses alcohol in the fountain solution shall maintain the use of alcohol at 5.0% or less (by volume). Alternatively, a standard of 10.0% or less (by volume) alcohol may be used if the fountain solution is refrigerated to less than 60°F.

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

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

(2) (No change.)

§115.446. Monitoring and Recordkeeping Requirements.

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

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

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

§115.449. Counties and Compliance Schedules.

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

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

one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act (FCAA), §172(c)(9).

(c) All affected persons in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §§115.442, 115.443, 115.445, and 115.446 of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the FCAA, §172(c)(9).

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER F : MISCELLANEOUS INDUSTRIAL SOURCES

PHARMACEUTICAL MANUFACTURING FACILITIES

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

§115.532. Control Requirements.

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

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

(5) Pharmaceutical manufacturing facility. Any pharmaceutical manufacturing facility that becomes subject to the provisions of paragraphs (1)-(4) of this subsection by exceeding provisions of §115.537(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions

are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.537(a) of this title and:

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permit for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

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

(b) (No change.)

§115.533. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Pharmaceutical Manufacturing Facilities) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Pharmaceutical Manufacturing Facilities) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.536. Monitoring and Recordkeeping Requirements.

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

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

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

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

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

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

§115.537. Exemptions.

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

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

(5) Any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 lbs. (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a) of this title.

(b) (No change.)

§115.539. Counties and Compliance Schedules.

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 30, 1997.

SUBCHAPTER F : MISCELLANEOUS INDUSTRIAL SOURCES

PETROLEUM DRY CLEANING SYSTEMS

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

§115.552. Control Requirements.

(a) (No change.)

(b) Any petroleum solvent dry cleaning facility that becomes or is currently subject to the control requirements of subsection (a) of this section by exceeding the exemption limit of §115.157 of this title (relating to Exemptions) shall remain subject to the provisions of this section, even if its consumption of petroleum solvent later falls below the exemption level unless and until its uncontrolled solvent consumption is reduced to no more than its solvent consumption level before lifting controls, and

(1) the project by which solvent consumption was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (concerning Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection shall be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

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

§115.553. Alternate Control Requirements.

For all affected persons in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Petroleum Dry Cleaning Systems) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.559. Counties and Compliance Schedules.

(a) All affected petroleum solvent dry cleaning facilities in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title (relating to Control Requirements; Alternate Control Requirements; Testing Methods and Procedures; Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than one year, after the Texas Natural Resource Conservation Commission (commission) publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the National Ambient Air Quality Standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(b) All affected petroleum solvent dry cleaning facilities in El Paso County shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(c) All affected petroleum solvent dry cleaning facilities in Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in

compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

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

This agency hereby certifies that the sections as adopted have been reviewed by legal counsel and found to be within the agency's authority to adopt.

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