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

Explanation of Proposed Rule

The proposed changes to §115.121, concerning Emission Specifications, and §115.122, concerning Control Requirements, substitute the term "control" for "burn" and modify the existing requirement in §115.122 to burn vent gas streams in a flare or direct-flame incinerator by adding an option to control the emissions with a vapor recovery system meeting a specified control efficiency. This option is currently located in §115.123, concerning Alternate Control Requirements. These changes which consolidate control options and requirements into one section, make the rule more logical and eliminate confusing wording. As §115.122 is currently written, it is unclear whether a 1300°F temperature requirement applies to smokeless flares, and whether the combustion destruction efficiency applies only to direct-flame incinerators. The logical construction is that the temperature requirement applies to incinerators. Also, properly operated incinerators which achieve a temperature of at least 1300°F and flares which are smokeless will generally achieve significantly better than 90% control efficiency, so the 90% requirement does not need to be specified for flares and direct-flame incinerators. The intent

of the proposed revisions, which do not associate a particular control efficiency with these common methods of control, is to prevent reductions which were required, but not quantified in early State Implementation Plans (SIP), from being used to satisfy future emission control requirements under a trading program. The proposed changes to §115.121(a) also consolidate existing paragraphs (2) and (3) for improved readability. The proposed changes to §115.122 also update rule references due to the consolidation of §115.121(a)(2) and (3) and replace "prior to" with "before" and revise references to TNRCC and the executive director for consistency with the commission's style guidelines. The proposed changes to §115.123 correct a rule reference and eliminate language which is no longer necessary due to the revisions to §115.121 and §115.122.

The proposed revisions to §115.126, concerning Monitoring and Recordkeeping Requirements, clarify that §115.126(a)(3) and §115.126(b)(3) are alternatives to the requirements of §115.126(a)(2) and §115.126(b)(2), respectively. The proposed 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 proposed revisions to §115.126(a)(3) and §115.126(b)(3) would also simplify the recordkeeping requirements for exempt process vents which remain below 50% of an applicable exemption. In addition, the proposed changes to §115.126 revise references to TNRCC and the executive director for consistency with the commission's style guidelines.

The proposed revisions to §115.127 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 the United States Environmental Protection Agency's (EPA) 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 proposed revisions to §115.127 clarify that while synthetic organic chemical manufacturing industry (SOCMI) batch processes are exempt from the SOCMI reactor/distillation vent gas stream control requirements, these SOCMI 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 proposed 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 relocates it to §115.127(c)(2). In addition, the proposed changes to §115.127 add the effective dates of referenced federal rules for consistency with the commission's style guidelines. The proposed 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 proposed changes to §115.311, concerning Emission Specifications, and §115.312, concerning Control Requirements, modify the existing requirement to burn VOCs 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 eliminates confusing wording in the existing rule while providing companies more flexibility in choosing the most cost-effective type of control.

The proposed change to §115.313, concerning Alternate Control Requirements, updates a reference to §115.910 to reflect a title change. The proposed change to §115.319, concerning Counties and Compliance Schedules, deletes language made obsolete by the passing of compliance dates. The commission also proposes to change the title of Subchapter D from Petroleum Refining and Petrochemical Processes to Petroleum Refining, Natural Gas Processing, and Petrochemical Processes to more accurately reflect the content of this subchapter.

Fiscal Note

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state and local governments as a result of enforcing or administering the proposed amendments.

Public Benefit

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

Takings Impact Assessment

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

Public Hearing

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

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

Submittal of Comments

Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96162-115-AI. Comments must be received by 5:00 p.m., December 19, 1996. For further information, please contact Randy Hamilton, Air Policy and Regulations Division, (512) 239-1512.

Statutory Authority

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

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

SUBCHAPTER B : GENERAL VOLATILE ORGANIC COMPOUND SOURCES

VENT GAS CONTROL

§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 VOC to be emitted from any process vent, unless the vent gas stream is controlled [burned] 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 [any air oxidation synthetic organic chemical manufacturing process, any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, or any continuous polystyrene manufacturing process,] unless the vent gas stream is controlled [to a VOC emission rate of no more than 20 parts per million by volume (ppmv) (on a dry basis corrected to 3.0% oxygen), or is burned] 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) After November 15, 1996, no person may allow a vent gas stream to be emitted from any synthetic organic chemical manufacturing industry reactor process or distillation operation, as defined in §115.10 of this title, unless the vent gas stream is controlled to a VOC emission rate of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen), or is burned properly in accordance with §115.122(a)(2) of this title.]

(3) [(4)] 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 [burned] 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 [burned] 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 [burned] 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 [burned] in accordance with §115.122(c)(3) of this title.

(4) Vent gas streams from blast furnaces shall be controlled [burned] 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 [burned] 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 a direct-flame incinerator]; or

(C) by any vapor recovery system, as defined in §115.10 of this title (relating to Definitions), with a control [destruction] efficiency of at least 90%.

(2) Any vent gas streams affected by §115.121(a)(2) [and (3)] of this title must be controlled [to a volatile organic compound (VOC) emission rate of no more than 20 parts per million by volume (on a dry basis corrected to 3% oxygen), or burned] properly:

(A) in a smokeless flare [or a direct-flame incinerator] which has a destruction efficiency of at least 98%. The owner or operator of an affected facility that uses a flare 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) in a direct-flame incinerator which has a destruction efficiency of at least 98%; or

(C) by any vapor recovery system, as defined in §115.10 of this title, which has:

(i) a control efficiency of at least 98%; or

(ii) a volatile organic compound (VOC) emission rate of no more than 20 parts per million by volume (on a dry basis corrected to 3% oxygen).

(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) [§115.121(a)(4)] 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 at or below the controlled emissions level existing before [prior to] implementation of the project by which throughput or emission rate was reduced and less than the applicable exemption limits in §115.127(a) of this title; and:

(A) (No change.)

(B) if authorization by permit or standard exemption is not required for the project, the owner/operator has given the executive director [Texas Natural Resource Conservation Commission (TNRCC)] 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 [burned] properly:

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

(2) in a smokeless flare [or a direct-flame incinerator]; or

(3) by any vapor recovery system, as defined in §115.10 of this title, with a control [destruction] efficiency of at least 90%.

(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 [burned] 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 a direct-flame incinerator]; or

(C) by any vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90%.

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

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

(B) by any vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90%.

(3) Any vent gas streams affected by §115.121(c)(3) of this title must be controlled [burned] 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 (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 vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90%.

(4) Any vent gas streams affected by §115.121(c)(4) of this title must be controlled [burned] 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 vapor recovery system, as defined in §115.10 of this title, with a control efficiency of at least 90%.

§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) [section] may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent. [Direct-flame incineration specified for vent gas control in this undesignated head (relating to Vent Gas Control) is not intended as an exclusive emission control method for volatile organic compounds (VOC). In no event shall a vent gas stream be direct-flame incinerated without heat

recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122(a) of this title (relating to Control Requirements), do not require executive director approval.]

(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) [section] may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent. [Direct-flame incineration specified for vent gas control in this undesignated head (relating to Vent Gas Control) is not intended as an exclusive emission control method for VOC. In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122(b) of this title, do not require executive director approval.]

(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) [section] may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent. [Direct-flame incineration specified for vent gas control in this undesignated head (relating to Vent Gas Control) is not intended as an exclusive emission control method for VOC. In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122(c) of this title, do not require executive director approval.]

§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 [Texas Natural Resource Conservation Commission (TNRCC)], 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 [Records] for each vent exempted from control requirements in accordance with §115.127(a) of this title and having a VOC emission rate or [and] 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 [, including]:

[(A)] 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. [: and]

[(B) daily operating parameters which may affect VOC emission from the vent sufficient to demonstrate that the maximum actual operating conditions represented for the affected facility have not been exceeded.]

(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 [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall 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, starting in 1997, to the executive director [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall 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 [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions 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 [TNRCC] 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 [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall 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 [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall 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 [TNRCC Austin Office (Office of Air Quality)], the appropriate [TNRCC] regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions 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.

(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 [TNRCC], 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 [Records] for each vent exempted from control requirements in accordance with §115.127(b) of this title and having a VOC emission rate or [and] 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 [, including]:

[(A)] complete information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual operating conditions are less that 50% of the applicable exemption limits. [; and]

[(B) daily operating parameters which may affect VOC emission from the vent sufficient to demonstrate that the maximum actual operating conditions represented for the affected facility have not been exceeded.]

§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, [1998] 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) [, (3), or (4)] of this title; and

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

(3) The following vent gas streams are exempt from the requirements of §115.121(a)(2)(B)-(E) [§115.121(a)(2)] 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) [§115.121(a)(3)] 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) [§115.121(a)(3)] 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) [§115.121(a)(3)] 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 SOCMI Distillation Operations, effective June 29, 1990) is exempt from the requirements of §115.121(a)(2)(A) [§115.121(a)(3)] 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 SOCMI Reactor Processes, effective November 27, 1995) is exempt from the requirements of §115.121(a)(2)(A) [§115.121(a)(3)] of this title.

(5) Bakeries are exempt from the requirements of §115.121(a)(3) [§115.121(a)(4)] 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 [is exempt from the requirements of §115.121(c)(1) of this title if] 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 ;[.]

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

(B) [(A)] 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) [(B)] 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). [; and]

[(C) a vent gas stream from any process referenced in §115.121(c)(2) of this title emitting less than or equal to 5 tons (4,536 kg) of total uncontrolled VOC in any one calendar year.]

(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) [§115.121(a)(3)] 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) [§§115.121(a)(4)], 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) [§§115.121(a)(4)], 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) [§§115.121(a)(4)], 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 [Texas Natural Resource Conservation Commission (TNRCC)] publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the

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) [§§115.121(a)(4)], 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 [TNRCC] publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the 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 proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 6, 1996.

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

PROCESS UNIT TURNAROUND AND VACUUM-PRODUCING SYSTEMS IN PETROLEUM REFINERIES

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

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

§115.311. 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 [burned] 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 [burned] 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 [burned] 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 [burned] 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 [burned] 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 a direct-flame incinerator]; or

(C) by any vapor recovery system, as defined in §115.10 of this title (relating to Definitions), with a control [destruction] efficiency of at least 90%.

(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 [burned] 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 a direct-flame incinerator]; or

(C) by any vapor recovery system, as defined in §115.10 of this title, with a control [destruction] efficiency of at least 90%.

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

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

§115.319. 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).

[(a) 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 Process Unit around and Vacuum-Producing Systems in Petroleum Refineries) in accordance with the following schedules:]

[(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.311(a) of this title (relating to Emission Specifications), §115.312(a) of this title (relating to Control Requirements), §115.313(a) of this title (relating to Alternate Control Requirements), §115.315(a) of this title (relating to Testing Requirements), and §115.316(a) of this title (relating to Monitoring and Recordkeeping Requirements), as soon as practicable, but no later than July 31, 1993.]

[(2) All persons in Dallas, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.316(a) of this title shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.]

[(b) All affected persons in Victoria County shall be in compliance with §115.316(b) of this title as soon as practicable, but no later than July 31, 1993.]

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

Issued in Austin, Texas, on November 6, 1996.