

The Texas Natural Resource Conservation Commission (TNRCC or commission) adopts amendments to §§115.211, 115.212, and 115.219, concerning Loading and Unloading of Volatile Organic Compounds (VOC), without changes to the proposed text as published in the September 10, 1999 issue of the *Texas Register* (24 TexReg 7144). These sections will not be republished. The commission adopts these revisions to Chapter 115, concerning Control of Air Pollution from VOCs, and to the State Implementation Plan (SIP) in order to delete requirements for gasoline terminals and gasoline bulk plants which the commission has determined are unnecessary.

EXPLANATION OF ADOPTED RULES

A gasoline terminal is a gasoline transfer facility, excluding marine terminals, with a gasoline throughput of at least 20,000 gallons per day, averaged over any consecutive 30-day period. A gasoline bulk plant is a gasoline transfer facility, excluding marine terminals, with a gasoline throughput less than 20,000 gallons per day, averaged over any consecutive 30-day period.

The revisions to §115.211, concerning Emission Specifications, delete the emission specification for gasoline bulk plants in the Beaumont/Port Arthur (BPA), Dallas/Fort Worth (DFW), El Paso (ELP), and Houston/Galveston (HGA) ozone nonattainment areas, and in 95 counties in the eastern half of Texas. These 95 counties are: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone,

Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood. The affected ozone nonattainment counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller.

For gasoline bulk plants, §115.211(2) sets an emission limit of 140 milligrams per liter (mg/l) of gasoline transferred. Under §115.212(a)(5)(A), a vapor balance system is required. Alternatively, add-on controls with a control efficiency of at least 90% may be used. Deletion of the 140 mg/l limit would eliminate this difficult-to-quantify/enforce emission limit, but the rules would still require a vapor balance system or a 90% efficient add-on control device. The United States Environmental Protection Agency (EPA) control techniques guideline guidance document upon which the Chapter 115 gasoline bulk plant rules are largely based supports deletion of the emission limit for gasoline bulk plants. Specifically, on page 1-3 of *Control of Volatile Organic Emissions from Bulk Gasoline Plants* (EPA-450/2-77-035, December 1977), the EPA states: "Regulations should be written in terms of operating procedures and equipment specifications rather than emission limits." In addition, the EPA's model reasonably available control technology (RACT) rules do not include an emission limit for gasoline bulk plants. Because the Chapter 115 rules would continue to require a vapor balance system or a 90% efficient add-on control device, the EPA's RACT requirements will continue to be satisfied, and no emission reduction credit will be affected by deletion of the emission limit in §115.211(2).

Finally, the revisions to §115.211 renumber the gasoline terminal emission specifications in the current §115.211(1)(A) and (B) as §115.211(1) and (2), respectively.

The revisions to §115.212, concerning Control Requirements, revise the "loading lockout" requirement of §115.212(a)(4)(C) and (D) by deleting the requirement to equip gasoline terminals in the DFW, ELP, and HGA ozone nonattainment areas with sensors and other equipment which monitor either a positive coupling of the vapor return line to the transport vessel or the presence of vapor flow in the vapor return line between the transport vessel and the terminal's vapor collection system. The affected counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller. In addition, the existing §115.212(a)(4)(E) is being deleted because it is unnecessary due to the revisions to §115.212(a)(4)(C) and (D) described earlier.

The "loading lockout" rule was initially adopted by the commission on May 4, 1994, and included a requirement for instrumentation which prevents gasoline transfer if the vapor line is not connected between the transport vessel and the terminal's vapor collection system. The specific intent of this requirement was for gasoline terminals to be equipped with sensors and other equipment which is designed and connected to monitor either a positive coupling of the vapor return line to the transport vessel, or the presence of vapor flow in the vapor return line between the transport vessel and the terminal's vapor collection system. Further, the intent was that if the system detects that the vapor return line is not connected during gasoline transfer, then the system automatically stops the transfer of gasoline to the transport vessel in the affected loading bay. These requirements have applied to

gasoline terminals in the DFW, ELP, and HGA ozone nonattainment areas since the November 15, 1996 compliance date.

The commission is deleting this "loading lockout" requirement because instrumentation will not prevent the vapor hose from being improperly connected, and can allow loading to continue if the hose is damaged or only partially connected. Loading lockout instrumentation would prevent completely uncontrolled gasoline loading from occurring. However, based on staff's personal observations at numerous gasoline terminals, it is far more likely that tank-truck drivers and/or gasoline terminal operators would fail to take corrective action when vapor and/or liquid gasoline leaks occur than it is for completely uncontrolled loading to occur. Inspection for leaks and correction of leaks are specifically addressed by §115.212(a)(3) and §115.214(a)(1). Because the "loading lockout" instrumentation would not prevent such leaks, the commission believes that this instrumentation is unnecessary. However, the commission intends to vigorously enforce the requirements of §115.212(a)(3) and §115.214(a)(1) to ensure that when vapor and/or liquid gasoline leaks do occur at gasoline terminals, corrective action is taken in a timely manner.

For the DFW, ELP, and HGA ozone nonattainment areas, gasoline terminal emission reduction estimates of 2.17, 0.77, and 0.63 tons per day, respectively, were given in the 1996 *Fix-Ups to the 15% Rate-of-Progress SIP for Dallas/Fort Worth, El Paso, Beaumont/Port Arthur, and Houston/Galveston Ozone Nonattainment Areas*. Deletion of the requirement for instrumentation which prevents gasoline transfer if the vapor line is not connected between the transport vessel and the terminal's vapor collection system will not have an impact on emission reduction credits already taken

because that credit was based on tightening the stringency of the gasoline terminal emission specification from 40 to 10.8 mg/l of gasoline loaded. Because the loading lockout requirement was only used as additional substantiation for the commission's estimate of gasoline terminal emission reductions associated with implementation of the 10.8 mg/l emission specification, deletion of this requirement will not affect the emission reduction credit.

The revisions to §115.219, concerning Counties and Compliance Schedules, eliminate references to the gasoline bulk plant emission specification of §115.211(2) and update rule references to the gasoline terminal emission specification from the current §115.211(1)(A) and (B) to §115.211(1) and (2), respectively. These changes are necessary due to the changes to §115.211 and §115.212 described earlier.

FINAL REGULATORY IMPACT ANALYSIS

The commission has reviewed this rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in the Texas Government Code. This rulemaking will delete requirements for gasoline terminals and gasoline bulk plants which the commission has determined are unnecessary for the reasons stated earlier in this preamble. This revision does not meet the definition of a major environmental rule, as it will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, or jobs. This rulemaking will result in a cost savings to the industry. Furthermore, this rulemaking will not adversely affect in a material way the environment, or the public health and safety of the state or a

sector of the state. This revision will not adversely affect any SIP emission reduction obligations relating to attainment demonstrations, because deletion of the loading lockout provisions described earlier is not expected to increase the duration or amount of emissions. There is no contract or delegation agreement that covers the topic that is the subject of this rulemaking. Therefore, this rulemaking does not involve an agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program, and was not developed solely under the general powers of the agency. No comments were received during the comment period regarding the draft regulatory impact analysis.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for these rules pursuant to Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the rulemaking is to delete requirements for gasoline terminals and gasoline bulk plants which the commission has determined are unnecessary. The revisions will relieve gasoline terminals that are not already complying with the loading lockout requirements of §115.212(a)(4)(C)-(D) from the cost of installing sensors and other equipment which monitor either a positive coupling of the vapor return line to the transport vessel, or the presence of vapor flow in the vapor return line between the transport vessel and the terminal's vapor collection system. In addition, the revisions will relieve gasoline bulk plants from the cost of conducting performance testing to demonstrate compliance with the 140 mg/l emission limit of §115.211(2). This rulemaking will result in a cost savings to the industry. Therefore, this revision will not constitute a takings under Chapter 2007 of the Texas Government Code.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has determined that this rulemaking relates to an action or actions 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.), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the CMP. 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, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this rulemaking for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council, and has determined that this rulemaking is consistent with the applicable CMP goals and policies. The CMP policy applicable to this rulemaking is the policy that commission rules comply with regulations in Title 40, Code of Federal Regulations, to protect and enhance air quality in the coastal area (31 TAC §501.14(q)). This rulemaking will not have a significant adverse effect on air quality in the coastal area, because it will not affect any SIP emission reduction obligations relating to attainment demonstrations, and because deletion of the loading lockout and gasoline bulk plant emission limit described earlier is not expected to increase the duration or amount of emissions. No comments were received during the comment period regarding the consistency of the proposed rules with the CMP.

HEARING AND COMMENTERS

A public hearing on this proposal was held in Austin on October 4, 1999 at 2:00 p.m. in Building F, Room 5108 at the Texas Natural Resource Conservation Commission Complex, located at 12100 Park 35 Circle. The comment period closed on October 11, 1999. No commenters submitted oral testimony

on the proposal. Six commenters submitted written testimony on the proposal. Citgo Petroleum Corporation, Coastal Refining & Marketing, Inc., EPA, Exxon Company U.S.A., Mobil Business Resources Corporation, and the Texas Oil and Gas Association supported the proposed revisions. No commenters opposed the proposed revisions.

ANALYSIS OF TESTIMONY

The EPA stated that the commission needs to show that the revisions will not weaken or relax the approved SIP, and that potential impacts, if any, on the emission reduction credits for the 15% Rate-of-Progress SIP are properly addressed.

The discussion of the revisions to §115.211 and §115.212 in the EXPLANATION OF ADOPTED RULES section explains in detail why the revisions will not weaken or relax the SIP, and why the revisions will not affect emission reduction credits for the SIP. The commission has made no changes in response to the comment.

STATUTORY AUTHORITY

The amendments are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and TCAA, §382.012, which requires the commission to develop plans for protection of the state's air.

SUBCHAPTER C : VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 1: LOADING AND UNLOADING OF VOLATILE ORGANIC COMPOUNDS

§§115.211, 115.212, 115.219

§115.211. Emission Specifications.

The owner or operator of each gasoline terminal and gasoline bulk plant in the covered attainment counties and in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, as defined in §115.10 of this title (relating to Definitions), shall ensure that volatile organic compound (VOC) emissions from the vapor control system vent at gasoline terminals do not exceed the following rates:

(1) in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 0.09 pound per 1,000 gallons (10.8 mg/liter) of gasoline loaded into transport vessels.

(2) in the covered attainment counties, 0.17 pound per 1,000 gallons (20 mg/liter) of gasoline loaded into transport vessels. Until April 30, 2000 in Gregg, Nueces, and Victoria Counties, VOC emissions are limited to 0.67 pound per 1,000 gallons (80 mg/liter) of gasoline loaded into transport vessels.

§115.212. Control Requirements.

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

(1) General VOC loading. At VOC loading operations other than gasoline terminals, gasoline bulk plants, and marine terminals, vapors from the transport vessel caused by the loading of VOC with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions must be controlled by:

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

(B) a vapor balance system, as defined in §115.10 of this title (relating to Definitions); or

(C) pressurized loading.

(2) Disposal of transported vapors. After unloading, transport vessels must be kept vapor-tight until the vapors in the transport vessel are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation.

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

(A) All liquid and vapor lines are:

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

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

(B) There are no VOC leaks, as defined in §101.1 of this title (relating to Definitions), when measured with a hydrocarbon gas analyzer, and no liquid or vapor leaks, as detected by sight, sound, or smell, from any potential leak source in the transport vessel and transfer system (including, but not limited to, liquid lines, vapor lines, hatch covers, pumps, and valves, including pressure relief valves).

(C) 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.

(E) If VOC is loaded through the hatches of a transport vessel, then pneumatic, hydraulic, or other mechanical means shall force a vapor-tight seal between the loading arm's vapor collection adapter and the hatch. A means shall be provided which prevents liquid drainage from the loading device when it is removed from the hatch of any transport vessel, or which routes all VOC emissions to a vapor control system. After VOC transfer, if necessary to empty a liquid line, the contents may be placed in a portable container, which is then closed vapor-tight and disposed of properly.

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

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

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

(C) Each gasoline terminal shall be equipped with sensors and other equipment designed and connected to monitor the status of the control device. If the control device malfunctions or is not operational, the system shall automatically stop gasoline transfer to the transport vessel(s) immediately.

(D) As an alternative to subparagraph (C) of this paragraph, the following requirements apply to gasoline terminals which have a variable vapor space holding tank design that can process the vapors independent of transport vessel loading. Such gasoline terminals shall be equipped with sensors and other equipment designed and connected to monitor the status of the control device. If the variable vapor space holding tank serving the loading rack(s) does not have the capacity to store additional vapors for processing by the control device at a later time and the control device malfunctions or is not operational, the system shall automatically stop gasoline transfer to the transport vessel(s) immediately.

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

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

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

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

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

(6) Marine terminals. The following control requirements apply to marine terminals in the Houston/Galveston area.

(A) VOC emissions shall not exceed 0.09 pound from the vapor control system vent per 1,000 gallons (10.8 mg/liter) of VOC loaded into the marine vessel, or the vapor control system shall maintain a control efficiency of at least 90%. Alternatively, a vapor balance system or pressurized loading may be used to control the vapors.

(B) Only leak-free marine vessels, as defined in §115.10 of this title, shall be used for loading operations.

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

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

(ii) not occur while VOC is being transferred.

(D) When non-dedicated loading lines are used to load VOC with a true vapor pressure less than 0.5 psia (or a flash point of 150 degrees Fahrenheit or greater) and the preceding transfer through these lines was VOC with a true vapor pressure equal to or greater than 0.5 psia, the residual VOC vapors from this preceding transfer must be controlled by the vapor control system, vapor balance system, or pressurized loading as specified in subparagraph (A) of this paragraph.

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

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or exemption from permitting 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 an exemption from permitting is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that exemption from permitting; or

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

(b) The owner or operator of each land-based VOC transfer operation and transport vessel in the covered attainment counties shall comply with the following control requirements.

(1) General VOC loading in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties. At VOC loading operations other than gasoline terminals and gasoline bulk plants, vapors from the transport vessel caused by the loading of VOC with a true vapor pressure greater than or equal to 1.5 psia under actual storage conditions must be controlled by:

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

(B) a vapor balance system, as defined in §115.10 of this title; or

(C) pressurized loading.

(2) Disposal of transported vapors. After unloading, transport vessels must be kept vapor-tight until the vapors in the transport vessel are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation.

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

(A) all liquid and vapor lines are:

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

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

(B) there are no VOC leaks, as defined in §101.1 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;

(E) if VOC is loaded through the hatches of a transport vessel, then pneumatic, hydraulic, or other mechanical means shall force a vapor-tight seal between the loading arm's vapor collection adapter and the hatch. A means shall be provided which prevents liquid drainage from the loading device when it is removed from the hatch of any transport vessel, or which routes all VOC emissions to a vapor control system. After VOC transfer, if necessary to empty a liquid line, the

contents may be placed in a portable container, which is then closed vapor-tight and disposed of properly.

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

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

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

(C) Each gasoline terminal shall be equipped with sensors and other equipment designed and connected to monitor the status of the control device. If the control device malfunctions or is not operational, the system shall automatically stop gasoline transfer to the transport vessel(s) immediately.

(D) As an alternative to subparagraph (C) of this paragraph, the following requirements apply to gasoline terminals which have a variable vapor space holding tank design that can process the vapors independent of transport vessel loading. Such gasoline terminals shall be equipped with sensors and other equipment designed and connected to monitor the status of the control device. If

the variable vapor space holding tank serving the loading rack(s) does not have the capacity to store additional vapors for processing by the control device at a later time and the control device malfunctions or is not operational, the system shall automatically stop gasoline transfer to the transport vessel(s) immediately.

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

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

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

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

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

§115.219. Counties and Compliance Schedules.

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

(b) The owner or operator of each gasoline bulk plant in the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), shall comply with §§115.212(b), 115.214(b), 115.216, and 115.217(b) of this title (relating to Control Requirements; Inspection Requirements; Monitoring and Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than April 30, 2000.

(c) The owner or operator of each gasoline terminal in the covered attainment counties, as defined in §115.10 of this title (excluding Gregg, Nueces, and Victoria Counties), shall comply with §§115.211(2), 115.212(b), 115.214(b), 115.216, and 115.217(b) of this title as soon as practicable, but no later than April 30, 2000.

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

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

(2) be in compliance with the following specifications as soon as practicable, but no later than April 30, 2000:

(A) the 20 mg/liter emission specification of §115.211(2) of this title;

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

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

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

(e) The owner or operator of each gasoline terminal in Hardin, Jefferson, and Orange Counties shall comply with the loading lockout requirements of §115.212(a)(4)(C) of this title and the monthly leak inspection requirements of §115.214(a)(2) and §115.216(3)(E) of this title as soon as practicable, but no later than April 30, 2000.

(f) The owner or operator of each land-based VOC loading operation (excluding gasoline terminals and gasoline bulk plants) in Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San

Patricio, Travis, and Victoria Counties shall comply with the 90% control efficiency requirement of §115.212(b)(1)(A) of this title as soon as practicable, but no later than April 30, 2000.

(g) The owner or operator of each land-based VOC loading operation (excluding gasoline terminals and gasoline bulk plants) in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties shall comply with the recordkeeping requirements of §115.216 of this title as soon as practicable, but no later than April 30, 2000.

(h) The owner or operator of each flare used to comply with the requirements of §115.211 and/or §115.212 of this title (relating to Emission Specifications; and Control Requirements) shall comply with §115.215(3) of this title as soon as practicable, but no later than April 30, 2000.

(i) The owner or operator of each marine terminal in Hardin, Jefferson, and Orange Counties shall comply with §§115.212(a)(6), 115.214(a)(3), 115.215, 115.216, and 115.217 of this title as soon as practicable but no later than three years after the earliest of the following occurs:

(1) 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 for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9);

(2) the EPA publishes notification in the *Federal Register* of its determination to deny the petition to redesignate the Beaumont/Port Arthur ozone nonattainment area as an ozone attainment area; or

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