Texas Commission on Environmental Quality

5 Chapter 115 - Control of Air Pollution from Volatile Organic Compounds

5H Subchapter H : Highly-Reactive Volatile Organic Compounds

5H3 DIVISION 3 : FUGITIVE EMISSIONS
As approved by EPA February 26, 2015 (80 FR 10352), effective April 27, 2015 (TXd166), Regulations.gov docket EPA-R06-OAR-2010-0611 [TX108].

Sections 780, 783, 789:
As adopted by TCEQ December 1, 2004 effective December 23, 2004 (5-79).
Approved by EPA September 6, 2006 (71 FR 52655) effective October 6, 2006 (TXd77), Regulations.gov document EPA-R06-OAR-2004-TX-0014-0036 [TX006.36]

Sections 781, 782, 784, 786, 787, 788:
As adopted by TCEQ June 2, 2010 effective June 24, 2015, and submitted to EPA July 2, 2010 (5-89).
Approved by EPA February 26, 2015 (80 FR 10352), effective April 27, 2015 (TXd166), Regulations.gov document EPA-R06-OAR-2010-0611-0004 [TX108.04].

Struck-out text not in SIP.

Outline:

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***** tx 115H3 *** TXd166 *** EPA-R06-OAR-2010-0611 *** TX108 *** v65 *****

§115.780. Applicability.
As adopted by TCEQ December 1, 2004 effective December 23, 2004 (5-79).
Approved by EPA September 6, 2006 (71 FR 52655) effective October 6, 2006 (TXd77), Regulations.gov document EPA-R06-OAR-2004-TX-0014-0036 [TX006.36]

(a) Any process unit or process within a petroleum refinery; synthetic organic chemical, polymer, resin, or methyl-tert-butyl ether manufacturing process; or natural gas/gasoline processing operation in the Houston/Galveston/Brazoria area, as defined in §115.10 of this title (relating to Definitions), in which a highly-reactive volatile organic compound, as defined in §115.10 of this title, is a raw material, intermediate, final product, or in a waste stream is subject to the requirements of this division (relating to Fugitive Emissions) in addition to the applicable requirements of Subchapter D, Division 3 of this chapter (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas).

(b) An owner or operator may not use emission reduction credits or discrete emission reduction credits in order to demonstrate compliance with this division.

Adopted December 1, 2004, Effective December 23, 2004 (5-79).
*****end tx 115.780***5-79***EPA-R06-OAR-2004-TX-0014***TX006***TXd77***h3e*****

~~FCAA, 42 USC, §§7401, *et seq.*, which requires states to submit SIP revisions that specify the manner in which the NAAQS will be achieved and maintained within each air quality control region of the state.~~

~~The amended and new sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021, and FCAA, 42 USC, §§7401 *et seq.*~~

§115.781. General Monitoring and Inspection Requirements.

(a) The owner or operator shall identify the components of each process unit in highly-reactive volatile organic compound (HRVOC) service that is subject to this division (relating to Fugitive Emissions). Such identification must allow for ready identification of the components, and distinction from any components that are not subject to this division. The components must be identified by one or more of the following methods:

(1) a plant site plan;

(2) color coding;

(3) a written or electronic database;

(4) designation of process unit boundaries;

(5) some form of weatherproof identification; or

(6) process flow diagrams that exhibit sufficient detail to identify major pieces of equipment, including major process flows to, from, and within a process unit. Major equipment includes, but is not limited to, columns, reactors, pumps, compressors, drums, tanks, and exchangers.

(b) Each component in the process unit must be monitored according to the requirements of Subchapter D, Division 3 of this chapter (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas), except that the following additional requirements apply.

(1) The exemptions of §115.357(1) - (12) of this title (relating to Exemptions) do not apply.

(2) The leak-skip provisions of §115.354(7) and (8) of this title (relating to Monitoring and Inspection Requirements) do not apply.

(3) The emissions from blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC; connectors; heat exchanger heads; sight glasses; meters; gauges; sampling connections; bolted manways; hatches; agitators; sump covers; junction box vents; covers and seals on volatile organic compound water separators; and process drains must be monitored each calendar quarter (with a hydrocarbon gas analyzer).

(4) All components for which a repair attempt was made during a shutdown must be monitored (with a hydrocarbon gas analyzer) and inspected for leaks within 30 days after startup is completed following the shutdown.

(5) All process drains equipped with water seal controls, as defined in §115.140 of this title (relating to Industrial Wastewater Definitions), must be inspected weekly to ensure that the water seal controls are effective in preventing ventilation, except that daily inspections are required for those seals that have failed three or more inspections in any 12-month period. Upon request by the executive director, United States Environmental Protection Agency, or any local program with jurisdiction, the owner or operator shall demonstrate (e.g., by visual inspection or smoke test) that the water seal controls are properly designed and restrict ventilation.

(6) All process drains not equipped with water seal controls must be inspected monthly to ensure that all gaskets, caps, and/or plugs are in place and that there are no gaps, cracks, or other holes in the gaskets, caps, and/or plugs. In addition, all caps and plugs must be inspected monthly to ensure that they are tightly fitting.

(7) An unsafe-to-monitor or difficult-to-monitor component for which quarterly monitoring is specified may instead be monitored as follows.

(A) An unsafe-to-monitor component is a component that the owner or operator determines is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of conducting the monitoring. Components that are unsafe to monitor must be identified in a list made immediately available upon request. If an unsafe-to-monitor component is not considered safe to monitor within a calendar year, then it must be monitored as soon as possible during safe-to-monitor times.

(B) A difficult-to-monitor component is a component that cannot be inspected without elevating the monitoring personnel more than two meters above a permanent support surface or that requires a permit for confined space entry as defined in 29 Code of Federal Regulations (CFR) §1910.146. A difficult-to-monitor component for which quarterly monitoring is specified may instead be monitored annually.

(8) All pressure relief valves in gaseous service that are not equipped with a rupture disk upstream of the relief valve with a pressure-sensing device between the rupture disk and the pressure relief valve must be monitored for fugitive leaks each calendar quarter (with a hydrocarbon gas analyzer).

(9) A leak is defined as a screening concentration greater than 500 parts per million by volume above background as methane for all components. If the owner or operator elects to use the alternative work practice in §115.358 of this title (relating to Alternative Work Practice), a leak is defined as specified in §115.358 of this title, including any leak detected using the alternative work practice on a component that is subject to the requirements of this division but not specifically selected for alternative work practice monitoring.

(10) Monitored screening concentrations must be recorded for each component in gaseous or light liquid service. Notations such as "pegged," "off scale," "leaking," "not leaking," or "below leak definition" may not be substituted for hydrocarbon gas analyzer results. For readings that are higher than the upper end of the scale (i.e., pegged) even when using the highest scale setting or a dilution probe, record a default pegged value of 100,000 parts per million by volume. This requirement does not apply to monitoring using an optical gas imaging instrument in accordance with §115.358 of this title.

(c) Pumps, compressors, and agitators must be:

(1) inspected visually each calendar week for liquid dripping from the seals; or

(2) equipped with an alarm that alerts the operator of a leak.

(d) If securing the bypass line valve in the closed position to comply with §115.783(1)(B) of this title (relating to Equipment Standards), the seal or closure mechanism must be visually inspected to ensure the valve is maintained in the closed position and the vent stream is not diverted through the bypass line:

(1) on a monthly basis; and

(2) after any maintenance activity that requires the seal to be broken.

(e) For any pressure relief device that has vented directly to the atmosphere (uncontrolled), the associated vent must be monitored (with a hydrocarbon gas analyzer) and inspected within 24 hours after actuation and the results recorded in accordance with §115.786 of this title (relating to Recordkeeping Requirements). If the associated vent is considered unsafe to monitor, then the vent must be monitored as soon as possible during safe-to-monitor times. If the associated vent is considered difficult to monitor, it must be monitored within 15 days after a release. This requirement does not supersede any monitoring requirements found in §115.725 of this title (relating to Monitoring and Testing Requirements).

(f) As an alternative to the requirements of subsection (b)(3) of this section for blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers, the owner or operator may elect to monitor all of these components in a process unit by April 1, 2006, and then conduct subsequent monitoring at the following frequencies.

(1) The owner or operator may monitor the components once per year (i.e., 12-month period), if the percent leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers in the process unit was 0.5% or greater, but less than 2.0%, during the last required annual or biennial monitoring period.

(2) The owner or operator may monitor the components once every two years, if the percent leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers was less than 0.5% during the last required monitoring period. An owner or operator may comply with this paragraph by monitoring at least 40% of the components in the first year and the remainder of the components in the second year. The percent leaking connectors, bolted manways, heat exchanger heads, hatches, and sump covers will be calculated for the total of all monitoring performed during the two-year period.

(3) If the owner or operator of a process unit in a biennial leak detection and repair program calculates less than 0.5% leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers from the two-year monitoring period, the owner or

operator may monitor the components one time every four years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 20% of the components each year until all connectors, bolted manways, heat exchanger heads, hatches, and sump covers have been monitored within four years.

(4) If a process unit complying with the requirements of paragraph (3) of this subsection using a four-year monitoring interval program has greater than or equal to 0.5% but less than 1.0% leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers, the owner or operator shall increase the monitoring frequency to one time every two years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 40% of the components in the first year and the remainder of the components in the second year. The owner or operator may again elect to use the provisions of paragraph (3) of this subsection when the percent leaking components decreases to less than 0.5%.

(5) If a process unit complying with requirements of paragraph (3) of this subsection using a four-year monitoring interval program has greater than or equal to 1.0% but less than 2.0% leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers, the owner or operator shall increase the monitoring frequency to one time per year. The owner or operator may again elect to use the provisions of paragraph (3) of this subsection when the percent leaking components decreases to less than 0.5%.

(6) If a process unit complying with requirements of paragraph (3) of this subsection using a four-year monitoring interval program has 2.0% or greater leaking blind flanges, caps, or plugs at the end of a pipe or line containing HRVOC, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers, the owner or operator shall increase the monitoring frequency to quarterly. The owner or operator may again elect to use the provisions of paragraph (3) of this subsection when the percent leaking components decreases to less than 0.5%.

(g) Except as provided in paragraph (2) of this subsection, the owner or operator shall use dataloggers and/or electronic data collection devices during all monitoring required by this section. The owner or operator shall transfer electronic data from electronic datalogging devices to an electronic or hard copy database within seven days of monitoring.

(1) For all monitoring events in which an electronic data collection device is used, the collected monitoring data must include the identification of each component and each calibration run, the maximum screening concentration detected, the time of monitoring (i.e., the time that the organic vapor concentration is read or recorded for each component), a date stamp, an operator identification, an instrument identification, and calibration gas concentrations and certification dates.

(2) The owner or operator may use paper logs where necessary or more feasible (e.g., small rounds (less than 100 components), re-monitoring following component repair, or when dataloggers are broken or not available), and shall record, at a minimum, the information required in paragraph (1) of this subsection. The owner or operator shall transfer any manually

recorded monitoring data to the electronic or hard copy database within seven days of monitoring.

(3) Each change to the database regarding the monitored concentration, date and time read, repair information, addition or deletion of components, or monitoring schedule must be detailed in a log or inserted as a notation in the database. All such changes must include the name of the person who made the change, the date of the change, and an explanation to support the change.

(h) For any components that the owner or operator elects to use the alternative work practice in §115.358 of this title, the following provisions apply.

(1) The frequency for monitoring any components listed in this section must be the frequency determined according to §115.358 of this title, except as specified in paragraph (3) of this subsection.

(2) The alternative monitoring schedules allowed under subsection (f) of this section are not allowed.

(3) If the owner or operator elects to use the alternative work practice in §115.358 of this title to satisfy the hydrocarbon gas analyzer monitoring requirements of subsections (b)(4) or (e) of this section, the time limitations specified in subsections (b)(4) and (e) of this section on performing the monitoring continue to apply.

(4) If the component is within a class of equipment (e.g., valves, flanges, etc.) that the owner or operator has elected to monitor using the alternative work practice in §115.358 of this title and the component meets all other conditions specified in §115.358 of this title for acceptable use of the alternative work practice, then the component may not be classified as difficult-to-monitor under subsection (b)(7)(B) of this section unless in order to image the component as required by §115.358 of this title the monitoring personnel would have to be elevated more than two meters above a permanent support surface or would require a permit for confined space entry as defined in 29 CFR §1910.146 (December 1, 1998). If the component does qualify as difficult-to-monitor using the alternative work practice in §115.358 of this title, the owner or operator may use either Method 21 in 40 CFR Part 60, Appendix A-7 (October 17, 2000) or the alternative work practice at the monitoring frequency specified in subsection (b)(7)(B) of this section.

(5) An owner or operator electing to use the alternative work practice in §115.358 of this title may still classify a component as unsafe-to-monitor as allowed under subsection (b)(7)(A) of this section if the component cannot be safely monitored using either a hydrocarbon gas analyzer or the alternative work practice.

(6) For any components subject to subsection (b)(3) of this section that are not subject to Method 21 monitoring under 40 CFR Parts 60, 61, 63, or 65, but the owner or operator is using the alternative work practice in §115.358 of this title to satisfy a Method 21 monitoring requirement under this chapter, the owner or operator may choose to comply with the following in lieu of the annual Method 21 monitoring in §115.358(f) of this title.

(A) For any leak detected using the alternative work practice in §115.358 of this title, the owner or operator must perform a Method 21 test on the component to determine the leak concentration. The Method 21 test must be performed no later than one business day after the leak is detected using the alternative work practice in §115.358 of this title.

(B) To qualify for this option, the percent leaking components of all the components selected for this option must be less than 2.0%.

(C) The owner or operator shall perform a Method 21 test on each component selected for this option according to the frequencies specified in subsection (f) of this section. If the Method 21 test required under subparagraph (A) of this paragraph for any leak detected is within the same calendar year as the normally scheduled Method 21 test required under this subparagraph, the owner or operator may use the Method 21 test performed for subparagraph (A) of this paragraph to satisfy the requirements of this subparagraph.

(D) If the owner or operator elects to follow the alternative schedules for annual Method 21 testing under this paragraph, the owner or operator shall provide notice of electing this option with the notification required under §115.358(g) of this title.

§115.782. Procedures and Schedule for Leak Repair and Follow-up.

(a) Tagging. Upon the detection or designation of a leaking component, a weatherproof and readily visible tag, bearing the component identification and the date the leak was detected, must be affixed to the leaking component. The tag must remain in place until the leaking component is repaired.

(b) General rule - time to repair.

(1) For leaks detected over 10,000 parts per million by volume (ppmv), a first attempt at repairing the leaking component must be made no later than one business day after the leak is detected, and the component must be repaired no later than seven calendar days after the leak is detected.

(2) For all other leaks, a first attempt at repairing the leaking component must be made no later than five calendar days after the leak is detected, and the component must be repaired no later than 15 calendar days after the leak is detected.

(3) Except as specified in paragraph (4) of this subsection, for any leak detected using the alternative work practice in §115.358 of this title (relating to Alternative Work Practice), a first attempt at repairing the leaking component must be made no later than one business day after the leak is detected, and the component must be repaired no later than seven calendar days after the leak is detected. If the owner or operator measures the leak concentration using Method 21 in 40 Code of Federal Regulations Part 60, Appendix A-7 (October 17, 2000) and demonstrates the leak concentration is 10,000 ppmv or less, then the time to repair is as specified in paragraph (2) of this subsection. The Method 21 test must be performed no later than the next business day after the leak was detected using the alternative work practice in §115.358 of this title .

(4) For any leak detected using the alternative work practice in §115.358 of this title from a component classified as difficult to monitor using Method 21, but not classified as

difficult to monitor using the alternative work practice, the time to repair is as specified in paragraph (2) of this subsection.

(c) Delay of repair.

(1) For all components (except valves specified in paragraph (2) of this subsection), repair may be delayed beyond the period designated in subsection (b) of this section for any of the following reasons.

(A) The component is isolated from the process and does not remain in highly-reactive volatile organic compound (HRVOC) service.

(B) If the repair of a component within seven or 15 days (as specified in subsection (b) of this section) after the leak is detected would require a process unit shutdown that would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled process unit shutdown, provided that the owner or operator meets the conditions in both clause (i) and (ii) of this subparagraph, or meets the conditions of either clause (iii) or (iv) of this subparagraph.

(i) The owner or operator maintains documentation of the following calculations, and makes the documentation available upon request to authorized representatives of the United States Environmental Protection Agency (EPA), the executive director, and any local air pollution control agency with jurisdiction.

(I) The owner or operator shall calculate the expected mass emissions resulting from the next scheduled process unit shutdown, clearing, and subsequent startup of the unit, including the basis for the calculation and all assumptions made.

(II) The owner or operator shall calculate the mass emission rates from each leaking component in the process unit for which delay of repair is sought as determined by using the methods in the EPA correlation approach in Section 2.3.3 of the EPA guidance document *Protocol for Equipment Leak Emission Estimates* (EPA-453/R-95-017, November 1995) alone or in combination with the mass emission sampling approach in Chapter 4 of the guidance document (EPA-453/R-95-017, November 1995). To use the EPA correlation approach, the estimated hourly mass emission rate for each component shall be based on the component's current screening concentration using Method 21. The initial calculation must be performed within 30 days after the leak is detected. Where the monitoring instrument is not calibrated to read past the leak definition or 100,000 ppmv, the pegged emission rate values in Tables 2-13 and 2-14 in Section 2.3.3 of the EPA guidance document *Protocol for Equipment Leak Emission Estimates* must be used as appropriate. If the mass emission sampling approach is used, it replaces the estimated emissions rate of the EPA correlation approach in the calculation. For any leak detected using the alternative work practice in §115.358 of this title that a corresponding Method 21 or mass emission sampling test was not performed on that specific leak, the owner or operator shall use the 100,000 ppmv pegged emission rate values in Tables 2-13 and 2-14 in Section 2.3.3 of the EPA guidance document *Protocol for Equipment Leak Emission Estimates*, as appropriate.

(III) The owner or operator shall calculate the daily mass emissions from each leaking component in HRVOC service in the process unit for which delay of

repair is sought calculated as 24 times the hourly mass emission rate determined as required by subclause (II) of this clause.

(IV) The owner or operator shall calculate the total daily mass emissions in the process unit from the calculations made in subclause (III) of this clause for leaking components in HRVOC service in the unit for which delay of repair is sought.

(ii) The total daily mass emissions from leaking components in HRVOC service in the process unit for which delay of repair is sought as determined in clause (i)(IV) of this subparagraph will be less than the daily mass emissions resulting from shutdown, clearing, and subsequent startup of the unit as determined in clause (i)(I) of this subparagraph or 500 pounds, whichever is greater.

(iii) As an alternative to the requirements of clause (i) and (ii) of this subparagraph, delay of repair is allowed for each leaking component for which the owner or operator has chosen to undertake extraordinary efforts to repair the leak. For purposes of this subparagraph, extraordinary efforts is defined as nonroutine repair methods (e.g., sealant injection) or utilization of a closed-vent system to capture and control the leaks by at least 90%.

(I) For leaks detected over 10,000 ppmv, extraordinary efforts must be undertaken within 22 calendar days after the leak is found. The owner or operator may keep the leaking component on the shutdown list only after two unsuccessful attempts to repair the leaking component through extraordinary efforts, provided that the second extraordinary effort attempt is made within 37 calendar days after the leak is found.

(II) For all other leaks, extraordinary efforts must be undertaken within 30 calendar days after the leak is found, and a second extraordinary effort attempt is not required to keep the component on the shutdown list.

(III) For any leak detected from a component using the alternative work practice in §115.358 of this title, extraordinary efforts must be performed as specified in subclause (I) of this clause. If the owner or operator measures the leak concentration using Method 21 and demonstrates the leak concentration is 10,000 ppmv or less, then extraordinary efforts must be as specified in subclause (II) of this clause. The Method 21 test must be performed no later than one business day after the leak was detected using the alternative work practice screening.

(iv) The component is repaired or replaced at the next scheduled shutdown. The executive director may require an early process unit shutdown, or other appropriate action, based on the number and severity of leaks awaiting a shutdown.

(C) The components are pumps, compressors, or agitators, and:

(i) repair requires replacing the existing seal design with:

(I) a dual mechanical seal system that includes a barrier fluid system;

(II) a system that is designed with no externally actuated shaft penetrating the housing; or

(III) a closed-vent system and control device that meets the requirements of §115.783 of this title (relating to Equipment Standards); and

(ii) repair is completed as soon as practicable, but no later than six months after the leak was detected.

(2) For valves that are not pressure relief valves or automatic control valves, repair may only be delayed beyond the period designated in subsection (b) of this section if the conditions of either subparagraphs (A) or (B) of this paragraph are met.

(A) The valves are repaired or replaced at the next scheduled process unit shutdown. The owner or operator shall also do one of the following.

(i) The owner or operator undertakes extraordinary efforts to repair the leaking valve. For purposes of this subparagraph, extraordinary efforts is defined as nonroutine repair methods (e.g., sealant injection) or utilization of a closed-vent system to capture and control the leaks by at least 90%.

(I) For leaks detected over 10,000 ppmv, extraordinary efforts must be undertaken within 14 calendar days after the leak is found. The owner or operator may keep the leaking valve on the shutdown list only after two unsuccessful attempts to repair a leaking valve through extraordinary efforts, provided that the second extraordinary effort attempt is made within 15 days of the first extraordinary effort attempt.

(II) For all other leaks, extraordinary efforts must be undertaken within 30 calendar days after the leak is found, and a second extraordinary effort attempt is not required to keep the valve on the shutdown list.

(III) For any leak detected from a component using the alternative work practice in §115.358 of this title, extraordinary efforts must be performed as specified in subclause (I) of this clause. If the owner or operator measures the leak concentration using Method 21 and demonstrates the leak concentration is 10,000 ppmv or less, then extraordinary efforts must be as specified in subclause (II) of this clause. The Method 21 test must be performed no later than one business day after the leak was detected using the alternative work practice screening.

(ii) The owner or operator maintains, and makes available upon request, documentation to authorized representatives of EPA, the executive director, and any local air pollution control agency having jurisdiction that demonstrates that there is a safety, mechanical, or major environmental concern posed by repairing the leak by using extraordinary efforts and emissions from the leaking valves are included in the calculation of total daily mass emissions required by paragraph (1)(B)(i)(IV) of this subsection.

(B) The valve is isolated from the process and does not remain in HRVOC service.

(d) Demonstration of repair. For the purposes of this section, a component is considered repaired:

(1) for any component that the owner or operator monitors using the alternative work practice in §115.358 of this title, when the component is demonstrated to no longer have a leak after adjustments or alterations to the component by either screening using an optical gas imaging instrument as specified in §115.358 of this title or by using Method 21 at the leak definition in §115.781(b)(9) of this title (relating to General Monitoring and Inspection Requirements); and

(2) for all other components, when the component is demonstrated to no longer have a leak after adjustments or alterations to the component by the normal monitoring method required under this division.

~~**§115.784. Alternate Control Requirements.**~~

~~(a) The executive director may approve alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division (relating to Fugitive Emissions) 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) The owner or operator of a site subject to the requirements of this division may use the alternative work practice in §115.358 of this title (relating to Alternative Work Practice) as an optional alternative to hydrocarbon gas analyzer monitoring required under this division.~~

~~**§115.786. Recordkeeping Requirements.**~~

§115.783. Equipment Standards.
As adopted by TCEQ December 1, 2004 effective December 23, 2004 (5-79).
Approved by EPA September 6, 2006 (71 FR 52655) effective October 6, 2006 (TXd77), Regulations.gov document EPA-R06-OAR-2004-TX-0014-0036 [TX006.36].

The following equipment standards apply.

(1) Closed-vent systems containing bypass lines (excluding low-leg drains, high-point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes) that could divert a vent stream away from the control device and to the atmosphere, must have either:

(A) a flow indicator that determines whether vent stream flow is present in the bypass line at least once every 15 minutes; or

(B) the bypass line valve secured in the closed position with a car-seal or a lock-and-key type configuration.

(2) Whenever highly-reactive volatile organic compound emissions are vented to a closed-vent system, control device, or recovery device used to comply with the provisions of this chapter, the system or control device is subject to the requirements of Division 1 of this subchapter (relating to Vent Gas Control).

(3) Pumps, compressors, and agitators installed on or after July 1, 2003, shall be equipped with a shaft sealing system that prevents or detects emissions of volatile organic compounds from the seal.

(A) Acceptable shaft sealing systems include:

(i) seals equipped with piping capable of transporting any leakage from the seal(s) back to the process;

(ii) seals with a closed-vent system capable of transporting to a control device any leakage from the seal or seals;

(iii) dual seals with a heavy liquid or non-volatile organic compounds barrier fluid or gas at higher pressure than process pressure; and

(iv) seals with an automatic seal failure detection and alarm system.

(B) The executive director may approve shaft sealing systems different from those specified in subparagraph (A) of this paragraph. The executive director:

(i) shall consider on a case-by-case basis the technological circumstances of the individual pump, compressor, or agitator; and

(ii) must determine that the alternative shaft sealing system will result in the lowest emissions level that the pump, compressor, or agitator is capable of meeting after the application of best available control technology before approving the alternative shaft sealing system.

(C) Any owner or operator affected by the executive director's decision to deny a request for approval of an alternative shaft sealing system may file a motion to overturn the executive director's decision. The requirements of §50.139 of this title (relating to Motion to Overturn Executive Director’s Decision) apply. Executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency in cases where specified criteria for determining equivalency have not been clearly identified in this section.

(4) The following equipment standards shall apply to process drains.

(A) If water seal controls, as defined in §115.140 of this title (relating to Industrial Wastewater Definitions), are used:

(i) the only acceptable alternative to water as the sealing liquid in a water seal is the use of ethylene glycol, propylene glycol, or other low

vapor pressure antifreeze, that may be used only during the period of November through February; and

(ii) as an alternative to the weekly water seal inspections of §115.781(b)(5) of this title (relating to General Monitoring and Inspection Requirements), the owner or operator may choose to equip the process drain with:

(I) an alarm that alerts the operator if the water level in the vertical leg of the drain falls below 50% of the maximum level, and a device that continuously records the status of the water level alarm, including the time period for which the alarm has been activated; or

(II) a flow-monitoring device indicating either positive flow from a main to a branch water line supplying a trap or water being continuously dripped into the trap; and a device that continuously records the status of water flow into the trap.

(B) For process drains not equipped with water seal controls, the process drain shall be equipped with:

(i) a gasketed seal; or

(ii) a tightly-fitting cap or plug.

(5) No valves shall be installed or operated at the end of a pipe or line containing highly-reactive volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, or a tightly-fitting plug or 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.

Adopted December 1, 2004, Effective December 23, 2004 (5-79).
end tx 115.7835-79***EPA-R06-OAR-2004-TX-0014***TX006***TXd77***h3e**

~~(1) for any component that the owner or operator monitors using the alternative work practice in §115.358 of this title, when the component is demonstrated to no longer have a leak after adjustments or alterations to the component by either screening using an optical gas imaging instrument as specified in §115.358 of this title or by using Method 21 at the leak definition in §115.781(b)(9) of this title (relating to General Monitoring and Inspection Requirements); and~~

~~(2) for all other components, when the component is demonstrated to no longer have a leak after adjustments or alterations to the component by the normal monitoring method required under this division.~~

§115.784. Alternate Control Requirements.

(a) The executive director may approve alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division (relating to Fugitive Emissions) 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) The owner or operator of a site subject to the requirements of this division may use the alternative work practice in §115.358 of this title (relating to Alternative Work Practice) as an optional alternative to hydrocarbon gas analyzer monitoring required under this division.

§115.786. Recordkeeping Requirements.

(a) If using a flow indicator to comply with §115.783(1)(A) of this title (relating to Equipment Standards), the owner or operator shall:

(1) maintain hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during the hour; and

(2) record all periods when:

(A) the vent stream is diverted from the control stream; or

(B) the flow indicator is not operating.

(b) If securing the bypass line valve in the closed position to comply with §115.783(1)(B) of this title, the owner or operator shall:

(1) maintain a record of the dates that the monthly visual inspection of the seal or closure mechanism has been performed;

(2) record the date and time of all periods when:

(A) the seal mechanism is broken;

(B) the bypass line valve position has changed; or

(C) the key for a lock-and-key type lock has been checked out; and

(3) maintain a record of each time the bypass line valve was opened, including:

(A) the date and time the valve was opened;

(B) the date and time the valve was closed;

(C) the reason(s) the valve was opened;

(D) the estimated flow rate through the valve; and

(E) the resulting emissions, including the basis for the emissions estimate.

(c) Records of all non-repairable components subject to §115.782(c) of this title (relating to Procedures and Schedule for Leak Repair and Follow-up) must be maintained. Reports must be submitted by January 31 for the previous July 1 through December 31 and July 31 for the previous January 1 through June 30 of each year to the Houston regional office and any local air pollution control agency having jurisdiction. The report must contain:

(1) the component identification code;

(2) the component type;

(3) the leak concentration measurement and date, if a hydrocarbon gas analyzer was used to determine the leak;

(4) if the owner or operator used the alternative work practice in §115.358 of this title (relating to Alternative Work Practice), indication that the leak was determined according to the alternative work practice and the date the leak was detected;

(5) the date of the last scheduled process unit shutdown; and

(6) the total number of non-repairable components awaiting repair or replacement.

(d) The owner or operator shall maintain records in accordance with §115.356 of this title (relating to Recordkeeping Requirements), including records identifying, by one or more of the methods specified in §115.781(a)(1) - (6) of this title (relating to General Monitoring and Inspection Requirements), and justifying each exemption claimed exempt under §115.787 of this title (relating to Exemptions). The following additional requirements also apply:

(1) the calculation showing the estimated volatile organic compound (VOC) emission rates of the component as required by §115.782(c)(1)(B)(i)(II) of this title if extraordinary efforts are not going to be initiated; and

(2) records for each process unit with leaking components, updated within five business days after a leaking component is determined to require a process unit shutdown to repair and where extraordinary efforts to repair the component will not be pursued, including the following:

(A) the date, calculations, and estimated daily VOC emissions as required by §115.782(c)(1)(B)(i)(III) of this title;

(B) the date, calculations, and comparison of daily VOC emissions as required by §115.782(c)(1)(B)(i)(IV) and (ii) of this title; and

(C) the date of each process unit shutdown required due to VOC emissions of leaking components exceeding the expected VOC emissions from the shutdown.

(e) The owner or operator shall maintain a record of the results of all monitoring and inspections conducted in accordance with §115.781 of this title.

(f) If the owner or operator elects to use the alternative work practice in §115.358 of this title, the following records must be maintained in addition to the records required by subsections (a) - (e) of this section.

(1) The owner or operator shall maintain a list of each component that is monitored according to the alternative work practice in §115.358 of this title.

(2) The owner or operator shall maintain records of the detection sensitivity level selected from the table in §115.358(e)(1) of this title.

(3) The owner or operator shall maintain records of the analysis to determine the component in contact with the lowest mass fraction of chemicals that are detectable, as required by the daily instrument check procedure referenced in §115.358(c)(2) of this title.

(4) The owner or operator shall maintain records of the technical basis for the mass fraction of detectable chemicals used for the daily instrument check procedure referenced in §115.358(c)(2) of this title.

(5) The owner or operator shall maintain records of each daily instrument check required by §115.358(c)(2) of this title. These records include:

(A) the flow meter reading of the leak used in the daily instrument check and the distance from which the leak was imaged;

(B) a video record, with a date and time stamp, of the daily instrument check for each configuration and operator of the optical gas imaging instrument used during monitoring; and

(C) the name of each operator performing the daily instrument check.

(6) The owner or operator shall maintain records of the leak survey results as follows for all components that the owner or operator monitors using the alternative work practice in §115.358 of this title.

(A) A video record must be used to document the leak survey results and the results of the recheck to verify the leak has been repaired, if the alternative work practice in §115.358 of this title is used to perform the recheck. The video record must meet the following requirements.

(i) The video record must include a time and date stamp for each monitoring event.

(ii) Each component must be identifiable in the video record.

(B) The records must include the name of each operator performing the leak survey for each monitoring event.

(7) The owner or operator shall maintain records of the annual Method 21 screening required by §115.358(f) of this title, including:

(A) the components screened according to Method 21;

(B) the concentration measured according to Method 21;

(C) the date and time of the Method 21 screening; and

(D) the calibrations required by Method 21.

(8) The owner or operator shall maintain records of the training required by §115.358(h) of this title.

(9) If the owner or operator elects to use the alternative frequencies for the annual Method 21 specified in §115.781(h)(6) of this title, the following additional records must be maintained:

(A) a list of each component that the owner or operator is using the alternative frequencies allowed under §115.781(h)(6) of this title; and

(B) the percent leaking components for the specific population of components included in the alternative frequency schedule.

(10) The owner or operator shall maintain records of the optical gas imaging instrument manufacturer's operating parameters.

(g) The owner or operator shall maintain all records for at least five 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 with jurisdiction.

§115.787. Exemptions.

(a) Components that contact a process fluid containing less than 5.0% highly-reactive volatile organic compounds by weight on an annual average basis are exempt from the requirements of this division (relating to Fugitive Emissions), except for §115.786(e) and (g) of this title (relating to Recordkeeping Requirements).

(b) The following are exempt from the shaft sealing system requirements of §115.783(3) of this title (relating to Equipment Standards):

(1) submerged pumps or sealless pumps (e.g., diaphragm, canned, or magnetic-driven pumps); and

(2) pumps, compressors, and agitators installed before July 1, 2003.

(c) The following components are exempt from the requirements of this division:

(1) conservation vents or other devices on atmospheric storage tanks that are actuated either by a vacuum or a pressure of no more than 2.5 pounds per square inch gauge (psig);

(2) components in continuous vacuum service;

(3) valves that are not externally regulated (such as in-line check valves);

(4) any site as defined in §122.10 of this title (relating to General Definitions) with less than 250 components in volatile organic compound (VOC) service;

(5) components that are insulated, making them inaccessible to monitoring with a hydrocarbon gas analyzer;

(6) sampling connection systems, as defined in 40 Code of Federal Regulations (CFR) §63.161 (January 17, 1997), that meet the requirements of 40 CFR §63.166(a) and (b) (June 20, 1996); and

(7) instrumentation systems, as defined in 40 CFR §63.161 (January 17, 1997), that meet the requirements of 40 CFR §63.169 (June 20, 1996).

(d) All pumps, compressors, and agitators that are equipped with a shaft sealing system that prevents or detects emissions of VOC from the seal are exempt from the monitoring requirement of §115.781(b) and (c) of this title (relating to General Monitoring and Inspection Requirements). These seal systems may include, but are not limited to, dual seals with barrier fluid at higher pressure than process pressure, seals degassing to vent control systems kept in good working order, or seals equipped with an automatic seal failure detection and alarm system. Submerged pumps or sealless pumps (including, but not limited to, diaphragm, canned, or magnetic driven pumps) may be used to satisfy the requirements of this subsection.

(e) Each pressure relief valve equipped with an upstream rupture disk is exempt from the requirements of §115.781(b)(8) of this title, provided that the pressure relief valve complies with §115.725(c) of this title (relating to Monitoring and Testing Requirements). The rupture disk must be replaced as soon as practicable, but no later than 30 calendar days after a failure is detected.

(f) The following valves are exempt from the requirements of §115.783(5) of this title:

(1) pressure relief valves;

(2) open-ended valves or lines in an emergency shutdown system that are designed to open automatically in the event of an emissions event;

(3) open-ended valves or lines containing materials that would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system; and

(4) valves rated greater than 10,000 psig.

(g) Any site as defined in §122.10 of this title with less than 100 valves in highly-reactive volatile organic compound service is exempt from §115.788 of this title (relating to Audit Provisions).

§115.788. Audit Provisions.

(a) At least once every calendar year, the owner or operator of a site as defined in §122.10 of this title (relating to General Definitions) that is subject to the highly-reactive volatile organic compound (HRVOC) fugitive monitoring requirements of this division (relating to Fugitive Emissions) shall retain the services of an independent third-party organization to conduct an audit of the process units subject to HRVOC monitoring in this division. The field survey conducted as part of the audit must be based on a random sampling of the affected valves at the site. The random sample must be such that each valve has an equal chance of being selected from the total number of valves being sampled. The valves to be considered in this random sampling are all of the valves at the site in HRVOC service that are not exempted from quarterly

monitoring by §115.787 of this title (relating to Exemptions) and are not listed on either the difficult-to-monitor or the unsafe-to-monitor lists.

(1) The independent third-party organization shall verify that all affected valves are properly tagged in accordance with §115.782(a) of this title (relating to Procedures and Schedule for Leak Repair and Follow-up).

(2) The independent third-party organization shall perform a field survey to determine the representative percentage of leaking valves determined from the random sampling of the affected units at the site as follows.

(A) The field survey must begin after the owner or operator's contracted or usual monitoring service has completed monitoring the valves for that monitoring period. The field survey must be completed by the end of the next monitoring period.

(B) The following table must be used to determine the number of valves required to be monitored in the field survey. The total valve population count is all of the valves in HRVOC service that are not exempted from quarterly monitoring by §115.787 of this title and are not listed on either the difficult-to-monitor or the unsafe-to-monitor lists based on the average of the previous four quarters of monitoring. The company claimed leaker rate is the number of leaking valves found in the total valve population count based on the previous four quarters of monitoring divided by the total valve population count.

Figure: 30 TAC §115.788(a)(2)(B) (No change.)

Table 1: Minimum Number of Valves to Sample based on Total Valve Population Count and Company Determined Leaker Rate

Note: Values based on a hypergeometric distribution, alpha=0.05, beta=0.20
Null Hypothesis = company claim leaker rate is correct
Alternate Hypothesis = greater than or equal to company claimed leaker rate plus 2%

Total Valve Population Count	Company Claimed Leaker Rate (number of leaking valves/total population valve count)										
	0.000 up to 0.005	0.006 up to 0.010	0.011 up to 0.015	0.016 up to 0.020	0.021 up to 0.025	0.026 up to 0.030	0.031 up to 0.035	0.036 up to 0.040	0.041 up to 0.045	0.046 up to 0.050	0.051 or greater
100 to 150	87	101	110	110	116	120	124	124	127	129	131
151 to 300	139	159	165	173	193	200	213	218	226	233	236
301 to 400	152	167	183	204	228	265	278	284	290	296	305
401 to 500	155	172	201	234	250	278	280	295	300	312	328
501 to 600	158	207	220	263	281	295	343	349	354	359	362
601 to 700	159	211	238	266	303	319	343	353	370	391	402
701 to 800	161	223	253	268	310	362	386	389	392	408	422
801 to 900	162	234	272	297	331	385	385	392	422	439	462
901 to 1,000	163	245	278	298	337	387	391	411	443	456	481
1,001 to 1,500	165	254	280	330	386	414	451	486	526	551	567
1,501 to 2,000	167	256	316	359	392	460	495	525	565	599	629
2,001 to 2,500	214	258	316	361	416	462	515	562	598	613	671
2,501 to 3,000	216	258	316	390	443	485	557	581	634	660	703
3,001 to 6,000	218	260	320	393	471	532	600	639	704	742	806
6,001 to 10,000	219	261	354	422	472	555	622	676	738	790	850

10,001 to 25,000	219	262	355	423	498	557	643	696	773	823	894
25,001 to 100,000	220	262	356	424	499	579	644	715	790	854	924
100,001 or greater	220	301	356	424	499	579	644	715	791	855	924

(C) The following alternatives may be used in lieu of subparagraph (B) of this paragraph to determine the number of valves required to be monitored in the field survey. The required sample size must be calculated using a hypergeometric distribution that characterizes sampling from a given finite population of valves without replacement and reported leaker rate. Commercially available statistical software programs may be used. The sample size must be determined according to the following requirements.

(i) The total valve population count is all of the valves in HRVOC service that are not exempted from quarterly monitoring by §115.787 of this title and are not listed on either the difficult-to-monitor or the unsafe-to-monitor lists based on the average of the previous four quarters of monitoring. The company claimed leaker rate is the number of leaking valves found in the total valve population count based on the previous four quarters of monitoring divided by the total valve population count.

(ii) Type I error rate must be less than or equal to 0.05. A Type I error occurs when the company claimed leaker rate accurately reflects the true proportion of leakers, yet the test falsely indicates that the true percentage of leakers is greater than reported (false positive).

(iii) Type II error rate must be less than or equal to 0.20, when the minimum difference between the company's claimed leaker rate and the true population leaker rate is at least 2%. A Type II error occurs when the true leaker rate is in fact greater than the reported rate, but the test fails to so indicate (false negative).

(D) The independent third-party organization shall perform the field survey in accordance with Method 21 in 40 Code of Federal Regulations Part 60, Appendix A-7 (October 17, 2000) if the majority of valves in HRVOC service are monitored according to Method 21. The independent third-party organization shall follow subsection (h) of this section if the majority of valves in HRVOC service are monitored according to the alternative work practice in §115.358 of this title.

(3) The independent third-party organization shall conduct a review of all data generated by monitoring technicians in the previous quarter. This review must include:

(A) identification of data patterns indicative of failure to properly implement Method 21 including, but not limited to, a review of the number of valves monitored per technician and the time between monitoring events to validate that the sampling procedures accurately reflect the requirements of Method 21 including identification of specific instances in which a monitoring technician recorded data faster than was physically possible due to the hydrocarbon gas analyzer response time and/or the time required for the technician to move to the next component; and

(B) a review of records to verify that the calibration requirements of Method 21 have been properly implemented.

(b) For purposes of this section, an independent third-party organization is an organization in which the owner or operator (including any subsidiary, parent company, sister company, or joint venture) of the petroleum refinery; synthetic organic chemical, polymer, resin, or methyl tert-butyl ether manufacturing process; or natural gas/gasoline processing operation has no ownership or other financial interest. If the owner or operator's routine monitoring is done by a contractor rather than by in-house monitoring, then the independent third-party organization must be a different contractor from that ordinarily used for those services.

(c) The owner or operator shall submit a verbal notification to the Houston regional office and any local air pollution control agency having jurisdiction that provides the date that the independent third-party organization is scheduled to begin the audit. The notification must be submitted at least 30 days prior to the start date of the audit. The notification must also identify whether the audit will be conducted using Method 21 or the alternative work practice in §115.358 of this title.

(d) The owner or operator shall furnish the Houston regional office and any local air pollution control agency having jurisdiction a copy of the results of the audit authored by the independent third-party organization within 30 days after completion of the audit requirements listed in subsection (a) of this section. The report must include:

(1) the number of valves that were not tagged, but should have been tagged in accordance with §115.782(a) of this title;

(2) the number of valves monitored during the field survey, the number of leaking valves found during the field survey, the percentage of leaking valves identified by the independent third-party organization during the field survey, and a detailed description of the sampling scheme used to ensure that a random sample of valves was selected so that each valve had an equal chance of being selected from the total number of valves being sampled;

(3) the total number of valves in HRVOC service that are not exempted from quarterly monitoring by §115.787 of this title and are not listed on either the difficult-to-monitor or the unsafe-to-monitor lists monitored based on the average of the previous four quarters of monitoring, the total number of leaking valves found at the site by the owner or operator's contracted or usual monitoring service based on the average of the previous four quarters of monitoring, and the percentage of leaking valves based on the average of the previous four quarters of monitoring;

(4) the methodology used to select the field survey sample size, and if the alternative provided in subsection (a)(2)(C) of this section was used to determine the number of valves to be sampled in the field survey, documentation must include:

(A) the actual Type I and Type II error rates associated with the sample size used; and

(B) a detailed description of the methodology used to calculate the sample size; and

(5) a summary of the independent third-party organization's review of all data generated by monitoring technicians in the previous quarter by the owner or operator's contracted or usual monitoring service for each of the categories specified in subsection (a)(3)(A) and (B) of this section.

(e) If the results of the independent third-party audit indicate deficiencies in the implementation of Method 21 or in the implementation of the alternative work practice in §115.358 of this title, the owner or operator shall submit a corrective action plan with the audit report to the Houston regional office and any local air pollution control agency having jurisdiction.

(f) Authorized representatives of the executive director, United States Environmental Protection Agency, or any local air pollution control agency with jurisdiction may conduct an audit of the owner or operator's leak detection and repair program.

(g) In lieu of complying with subsections (a) - (d) of this section, an owner or operator may request approval from the executive director of an alternative method that demonstrates equivalency with the independent third-party audit, provided that the request:

(1) includes a detailed explanation of how the equivalency will be demonstrated, including the appropriate recordkeeping and reporting requirements that will be implemented that are sufficient to demonstrate compliance with the alternative method; and

(2) demonstrates that it is a replicable procedure and details how the equivalency will be demonstrated.

(h) If the owner or operator of a site subject to the third-party audit requirements of this section elects to use the alternative work practice in §115.358 of this title to monitor valves in HRVOC service, the following additional provisions will apply.

(1) The field survey must be conducted as specified in subsection (a)(2) of this section, except that the independent third-party organization shall perform the field survey according to the alternative work practice in §115.358 of this title.

(2) In lieu of the data review specified under subsection (a)(3) of this section, the independent third-party organization shall conduct a review of all data and video generated by the monitoring personnel in the previous monitoring interval as specified in §115.358 of this title. For example, if the frequency for performing the alternative work practice is monthly, the review includes data from the monitoring event in the prior calendar month.

(A) The review must include a review of records to verify:

(i) the optical gas imaging instrument meets the requirements referenced in §115.358(c)(1) of this title;

(ii) the daily instrument check was performed as required by §115.358(c)(2) of this title; and

(iii) monitoring personnel performing the alternative work practice have satisfied the training requirements specified in §115.358(h) of this title.

(B) The review must also include identification of any:

(i) instances that components were imaged at a distance greater than demonstrated during the daily instrument check;

(ii) instances that the optical gas imaging instrument was not operated in accordance with the instrument manufacturer's operating parameters; and

(iii) leaking components in the video records that were not identified as leaking by the routine monitoring personnel.

(C) In lieu of the categories specified in subsection (a)(3)(A) and (B) of this section, the report contents specified in subsection (d)(5) of this section must include a summary of the independent third-party organization's review based on the categories specified in subparagraphs (A) and (B) of this paragraph.

(3) If the owner or operator is performing a combination of Method 21 hydrocarbon gas analyzer monitoring according to §115.781 of this title (relating to General Monitoring and Inspection Requirements) and the alternative work practice according to §115.358 of this title on different valves in HRVOC service, the field survey and data review must be performed based on how the majority of valves in HRVOC service were monitored in the evaluation period of the third party audit (e.g., if greater than 50% of valves in HRVOC service were monitored according to the alternative work practice, then the field survey and data review must be conducted according to this subsection). The population of valves used for the field

survey in subsection (a)(2) of this section must only include those valves monitored according to the method (i.e., Method 21 or alternative work practice) that will be used in the field survey.

(i) Upon review of the audit results, the executive director may specify additional corrective actions beyond any potential corrective actions submitted in the documentation required under subsection (e) of this section.

§115.789. Counties and Compliance Schedules.
As adopted by TCEQ December 1, 2004 effective December 23, 2004 (5-79).
Approved by EPA September 6, 2006 (71 FR 52655) effective October 6, 2006 (TXd77), Regulations.gov document EPA-R06-OAR-2004-TX-0014-0036 [TX006.36].

The owner or operator of each petroleum refinery; synthetic organic chemical, polymer, resin, or methyl-tert-butyl ether manufacturing process; or natural gas/gasoline processing operation in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall demonstrate compliance with the requirements of this division (relating to Fugitive Emissions) in accordance with the following schedule.

(1) The initial monitoring of all components for which monitoring is required under this division, but are not required to be monitored under Subchapter D, Division 3 of this chapter (relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas), must occur as soon as practicable, but no later than March 31, 2004, except that:

(A) the schedule in §115.781(f) of this title (relating to General Monitoring and Inspection Requirements) applies to blind flanges, caps, or plugs at the end of a pipe or line containing highly-reactive volatile organic compounds, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers for which the owner or operator has notified the appropriate regional office and any local air pollution control program with jurisdiction that §115.781(f) of this title will be used to establish the monitoring schedule for these components; and

(B) on or before March 31, 2004, the owner or operator shall notify the appropriate regional office and any local air pollution control program with jurisdiction that §115.781(f) of this title will be used to establish the monitoring schedule for blind flanges, caps, or plugs at the end of a pipe or line containing highly-reactive volatile organic compounds, sight glasses, meters, gauges, connectors, bolted manways, heat exchanger heads, hatches, and sump covers. The owner or operator shall monitor all of these components at least one time in each process unit by April 1, 2006, and then conduct subsequent monitoring at the frequencies noted in §115.781(f) of this title. For those process units with an initial start-up date after March 31, 2004, the notification of the intent to use §115.781(f) of this title shall be made within 60 days after the initial start-up date. In this case, the owner or operator shall monitor all of these components at least one time in each process unit within one year of the initial start-up date, and then conduct subsequent monitoring at the frequencies noted in §115.781(f) of this title.

(2) All requirements in §115.782 of this title (relating to Procedures and Schedule for Leak Repair and Follow-up) and all equipment upgrades required by §115.783 of this title (relating to Equipment Standards) must be made as soon as practicable, but no later than March 31, 2004, except that control devices used to comply with the requirements of §115.783(2) of this title must be in compliance in accordance with §115.729 of this title (relating to Counties and Compliance Schedules).

(3) The initial independent third-party audit required by §115.788 of this title (relating to Audit Provisions) shall be completed and the results of the audit submitted to the executive director as soon as practicable, but no later than December 31, 2005.

(4) Compliance with the recordkeeping required by §115.786 of this title (relating to Recordkeeping Requirements) must be implemented and made available upon request to authorized representatives of the executive director, United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction as soon as practicable, but no later than March 31, 2004.

(5) The initial monitoring of pump seals and compressor seals using a leak definition of 500 parts per million by volume, as required by §115.781(b)(9) of this title, must begin as soon as practicable, but no later than March 31, 2004.
Adopted December 1, 2004, Effective December 23, 2004 (5-79).
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