

Texas Commission on Environmental Quality

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

5C Subchapter C: Volatile Organic Compound Transfer Operations

5C2 DIVISION 2: FILLING OF GASOLINE STORAGE VESSELS (STAGE I) FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES

As approved by EPA December 21, 2017 (82 FR 60546) SIP effective January 22, 2018 (TXd204), Regulations.gov docket EPA-R06-OAR-2015-0832 [TX179]

Outline:

§115.220. Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in Bexar County. 5-21, TXc48

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*****end outline tx5C2d204*****y57****

EPA Approval Information for Current SIP-Approved Sections

5-21 TXc48

Section 220 - See NOTE TO READER in text of Section 220

As adopted by TACB March 30, 1979 effective May 6, 1979 and submitted to EPA April 13, 1979.

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Approved by EPA before EPA Region 6 began putting SIP submittals in Regulations.gov.

5-81 TXd73

Section 223:

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5-95 TXd170 TX167

Sections 221, 222, 224,225, 226, 227:

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5-96 TXd204 TX179

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Error in Federal Register amendatory language: State approval date should be

June 3, 2015, NOT June 15, 2015.

5C2TXd204***end SIP-Approved Information***TX179***y47*** 10 pages***

Tx5C2 TXd204 Filling of Gasoline Storage Vessels [Stage I] SIP eff Jan 22 2018 TX179 y57

Chapter 115. Control of Air Pollution from Volatile Organic Compounds.

SUBCHAPTER C : VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

Section 115.220. [C:2] FILLING OF GASOLINE STORAGE VESSELS (STAGE I) FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES IN BEXAR COUNTY

As adopted by TACB March 30, 1979 and approved by EPA November 10, 1982 (47 FR 50866) at 52.2270(c)(48) effective December 10, 1982 (TXc48)

NOTE TO READER:

The Section number 220 was created to avoid duplicate section numbers in the SIP. There is no Section 115.220 in the current Texas Chapter 115.

As of May 1999 these regulations were still considered to be in the Texas SIP. As of May 2018 it is unclear if these rules are still in the Texas SIP.

The regulations below were approved by EPA on November 10, 1982 (47 FR 50866 to 50867) at 40 CFR 52.2270(c)(48) effective December 10, 1982. These regulations for Bexar County are not in the recodified Regulation V submitted to EPA by the Governor on March 5, 1990, and approved by EPA on September 24, 1992 (57 FR 44124 to 44126) at 40 CFR 52.2270(c)(77)(i)(A).

The section numbers shown below are the section numbers approved November 10, 1982. At the time these regulations were approved, the Texas was in the process of converting from the section numbers in parenthesis to the section numbers outside parenthesis. The section numbers in parenthesis are the "formerly" numbers cited in 40 CFR 52.2270(c)(48).

Subsections approved November 10, 1982, at 52.2270(c)(48) but not applicable to Bexar County are not included below because they are not considered to be in the current SIP.

END NOTE TO READER

§115.131 (131.07.54.101). Control Requirements.

No person shall transfer, or allow the transfer of, gasoline from any delivery vessel into a stationary storage container with a nominal capacity greater than 1,000 gallons (3,800 liters) which is located at a motor vehicle fuel dispensing facility unless the following conditions are met:

- (1) The container is equipped with a submerged fill pipe.
- (2) The displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions of volatile organic compounds to the atmosphere to not more than 1.2 pounds per 1,000 gallons (140 mg/liter) of gasoline transferred.

§115.132 (131.07.54.102). Approved Vapor Balance System.

When a vapor balance system is used to comply with the provisions of §115.131 of this title (relating to Control Requirements) the balance system will be assumed to meet the specified emission limitations if the following conditions are met:

- (1) A vapor-tight return line is connected before gasoline can be transferred into the storage container.
- (2) No gasoline leaks exist anywhere in the liquid transfer system.
- (3) The vapor return line's cross-sectional area is at least one-half of the product drop line's cross-sectional area.
- (4) The only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped either with an orifice no greater than 3/4 inch (1.9 cm) internal diameter or a pressure-vacuum relief valve set to open at a pressure of no less than 8 ounces per square inch (3.4 kPa).
- (5) The delivery vessel is kept vapor-tight at all times (except when gauging) until the captured vapors are discharged to a loading facility with vapor recovery equipment, if the delivery vessel is refilled in one of the counties listed in §115.135 of this title (relating to Compliance Schedules and Counties).

§115.133. Reserved.

§115.134 (131.07.54.104). Exemptions.

Transfers to the following stationary receiving containers are exempt from the requirements of §115.131 of this title (relating to Control Requirement):

- (1) Containers used exclusively for the fueling of implements of agriculture.
- (2) Storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.
- (3) Stationary containers of nominal capacity less than 2,000 gallons (7,600 liters) if installed before December 10, 1976.
- (4) Stationary storage tanks located at a facility which disperses less than 120,000 gallons of gasoline per year.

§115.135 (131.07.54.105). Compliance Schedule and Counties.

All affected persons in the counties shown in the following table will be in compliance with the provisions of §115.131 of this title (relating to Control Requirements) and §115.132 of this title (relating to Approved Vapor Balance System) as soon as practicable but no later than the dates shown.

Rule Paragraphs	Counties Where Applicable	Final Compliance Date
All except Subsection 115.132(4)	Bexar	Aug. 31, 1978
Subsection 115.132(4)	Bexar	Dec. 31, 1981

***** end §115.220 Bexar County *****95m**y57**

**SUBCHAPTER C: VOLATILE ORGANIC COMPOUND TRANSFER
OPERATIONS
DIVISION 2: FILLING OF GASOLINE STORAGE VESSELS
(STAGE I) FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES
§§115.221 - 115.227, 115.229
Effective June 25, 2015**

§115.221. Emission Specifications.

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

(1) a vapor control system which reduces the emissions of VOC to the atmosphere to not more than 0.8 pound per 1,000 gallons (93 mg/liter) of gasoline transferred; or

(2) a vapor balance system which is operated and maintained in accordance with the provisions of §115.222 of this title (relating to Control Requirements).

Adopted September 10, 2014

Effective October 2, 2014

§115.222. Control Requirements.

A vapor balance system will be assumed to comply with the specified emission limitation of §115.221 of this title (relating to Emission Specifications) if the following conditions are met:

(1) the container is equipped with a submerged fill pipe as defined in §101.1 of this title (relating to Definitions). The path through the submerged fill pipe to the bottom of the tank must not be obstructed by a screen, grate, or similar device whose presence would preclude the determination of the submerged fill pipe's proximity to the tank bottom while the submerged fill tube is properly installed;

(2) a vapor-tight return line is connected before gasoline can be transferred into the storage container;

(3) no avoidable gasoline leaks, as detected by sight, sound, or smell, exist anywhere in the liquid transfer or vapor balance systems;

(4) the vapor return line's cross-sectional area is at least one-half of the product drop line's cross-sectional area;

(5) in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch (3.4 kilopascals (kPa));

(6) after unloading, the tank-truck tank is kept vapor-tight until the vapors in the tank-truck tank are returned to a loading, cleaning, or degassing operation and discharged in accordance with the control requirements of that operation;

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

(8) no leak, as defined in §101.1 of this title, exists from potential leak sources when measured with a hydrocarbon gas analyzer;

(9) in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, any storage tank installed after November 15, 1993, which is required to install Stage I control equipment must be equipped with a dual-point vapor balance system, as defined in §115.10 of this title. In addition, any modification to a storage tank existing prior to November 15, 1993, requiring excavation of the top of the storage tank must be equipped with a dual-point vapor balance system, even if the original installation utilized coaxial Stage I connections;

(10) in the covered attainment counties, any storage tank installed after December 22, 1998, which is required to install Stage I control equipment must be equipped with a dual-point vapor balance system, as defined in §115.10 of this title. In addition, any modification to a storage tank existing prior to December 22, 1998, requiring excavation of the top of the storage tank must be equipped with a dual-point vapor balance system, even if the original installation utilized coaxial Stage I connections; and

(11) any gasoline dispensing facility that no longer meets an exemption in §115.227 of this title (relating to Exemptions) because of an increase in throughput shall have 120 days to come into compliance with the provisions of this section and will remain subject to the provisions of this section, even if its gasoline throughput later falls

below exemption limits. However, if gasoline throughput exceeds the exemption limit due to a natural disaster or emergency condition for a period not to exceed one month, upon written request, the executive director may grant a facility continued exempt status.

Adopted September 10, 2014

Effective October 2, 2014

§115.223. Alternate Control Requirements.

Alternate methods of complying with §115.222 of this title (relating to Control Requirements) may be approved by the executive director if:

(1) emission reductions are demonstrated to be equivalent or greater than those afforded by the requirements in §115.222 of this title; and

(2) the Stage I vapor recovery system is capable of meeting the applicable performance requirements prescribed in this division (relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities), as certified by third-party evaluation conducted by a qualified independent testing organization using a code or standard of practice, acceptable to the executive director, which has been developed by a nationally recognized agency, association, or independent testing laboratory.

Adopted March 23, 2005

Effective April 13, 2005

§115.224. Inspection Requirements.

In the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, and in the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the following inspection requirements shall apply.

(1) Inspections for liquid leaks, visible vapors, or significant odors resulting from gasoline transfer shall be conducted at gasoline dispensing facilities. Gasoline transfer shall be discontinued immediately when any liquid leaks, visible vapors, or significant odors are observed and shall not be resumed until the observed issue is repaired.

(2) The gasoline tank-truck tank must have been inspected for leaks within one year in accordance with the requirements of §§115.234 - 115.237 of this title (relating to Inspection Requirements; Approved Test Methods; Recordkeeping Requirements; and Exemptions, respectively), as evidenced by a prominently displayed certification affixed near the United States Department of Transportation certification plate.

Adopted September 10, 2014

Effective October 2, 2014

§115.225. Testing Requirements.

Compliance with the emission specification and certain control requirements and inspection requirements of §§115.221, 115.222 and 115.224 of this title (relating to Emission Specifications; Control Requirements; and Inspection Requirements) shall be determined according to the requirements of 40 Code of Federal Regulations (CFR) §63.11120. Additionally, all affected gasoline dispensing facilities are required to annually comply with the following testing requirements found in 40 CFR §63.11120:

(1) California Air Resources Board Vapor Recovery Test Procedure TP 201.1E - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves.

(2) California Air Resources Board Vapor Recovery Test Procedure TP-201.3 - Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.

(3) Alternate test methods other than those specified in paragraphs (1) - (2) of this section may be used if validated by 40 CFR §63.7(f).

Adopted September 10, 2014

Effective October 2, 2014

§115.226. Recordkeeping Requirements.

The owner or operator of each gasoline dispensing facility in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in the covered attainment counties as defined in §115.10 of this title (relating to Definitions) shall maintain the following records and during an inspection make the records available at the site upon request to representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control program with jurisdiction. The owner or operator shall:

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

(2) maintain for a period of two years:

(A) a record of the results of any testing conducted at the gasoline dispensing facility in accordance with the provisions specified in §115.225 of this title (relating to Testing Requirements); and

(B) a record of the gasoline throughput for a 24-month rolling calendar period beginning January 1, 1991. The records must contain the calendar month and year, and the total facility gasoline throughput for each calendar month.

Adopted September 10, 2014

Effective October 2, 2014

§115.227. Exemptions.

The following exemptions apply:

(1) In the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, transfers to stationary storage tanks located at a gasoline dispensing facility which has dispensed no more than 10,000 gallons of gasoline in any calendar month after January 1, 1991, and for which construction began prior to November 15, 1992, are exempt from the requirements of this division, except for:

(A) §115.222(3) of this title (relating to Control Requirements) as it applies to liquid gasoline leaks, visible vapors, or significant odors;

(B) §115.222(6) of this title;

(C) §115.224(1) of this title (relating to Inspection Requirements) as it applies to liquid gasoline leaks, visible vapors, or significant odors; and

(D) §115.226(2)(B) of this title (relating to Recordkeeping Requirements).

(2) In the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), stationary gasoline storage containers with a nominal capacity less than or equal to 1,000 gallons at gasoline dispensing facilities are exempt from the requirements of this division, except for:

(A) §115.222(3) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors;

(B) §115.222(6) of this title; and

(C) §115.224(1) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors.

(3) In the covered attainment counties other than Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson, transfers to stationary storage tanks located at a gasoline dispensing facility which has dispensed less than 100,000 gallons of gasoline in any calendar month after October 31, 2014 are exempt from the requirements of this division, except for:

(A) §115.222(3) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors;

(B) §115.222(6) of this title;

(C) §115.224(1) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors; and

(D) §115.226(2)(B) of this title.

(4) In Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson Counties transfers to stationary storage tanks located at a gasoline dispensing facility which has dispensed no more than 25,000 gallons of gasoline in any calendar month after December 31, 2004 are exempt from the requirements of this division, except for:

(A) §115.222(3) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors;

(B) §115.222(6) of this title;

(C) §115.224(1) of this title as it applies to liquid gasoline leaks, visible vapors, or significant odors; and

(D) §115.226(2)(B) of this title.

(5) Transfers to the following stationary receiving containers are exempt from the requirements of this division:

(A) containers used exclusively for the fueling of implements of agriculture; and

(B) storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.

Adopted September 10, 2014

Effective October 2, 2014

§115.229. Counties and Compliance Schedules.

(a) The owner or operator of each gasoline dispensing facility in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas and in Collin, Dallas, Denton, and Tarrant Counties shall continue to comply with this division as required by §115.930 of this title (relating to Compliance Dates).

(b) The owner or operator of each gasoline dispensing facility in the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), shall continue to comply with this division as required by §115.930 of this title.

(c) The owner or operator of each gasoline dispensing facility in Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson Counties that has dispensed at least 25,000 gallons of gasoline but less than 125,000 gallons of gasoline in any calendar month after December 31, 2004 shall comply with this division as soon as practicable, but no later than December 31, 2005.

(d) The owner or operator of each gasoline dispensing facility in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties that has dispensed at least 10,000 gallons of gasoline but less than 125,000 gallons of gasoline in any calendar month after April 30, 2005, shall comply with this division as soon as practicable, but no later than June 15, 2007.

(e) The owner or operator of each gasoline dispensing facility in Wise County shall continue to comply with the requirements applicable to covered attainment counties, as defined in §115.10 of this title, until the facility achieves compliance with the requirements applicable to the Dallas-Fort Worth area, as defined in §115.10 of this title. The owner or operator shall comply with the requirements applicable to the Dallas-Fort Worth area as soon as practicable, but no later than January 1, 2017.

(f) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each gasoline dispensing facility in Wise County shall continue to comply with the requirements in this division applicable to the covered attainment counties. The requirements that apply in the Dallas-Fort Worth area no longer apply to gasoline dispensing facilities in Wise County.

Adopted June 3, 2015

Effective June 25,
2015