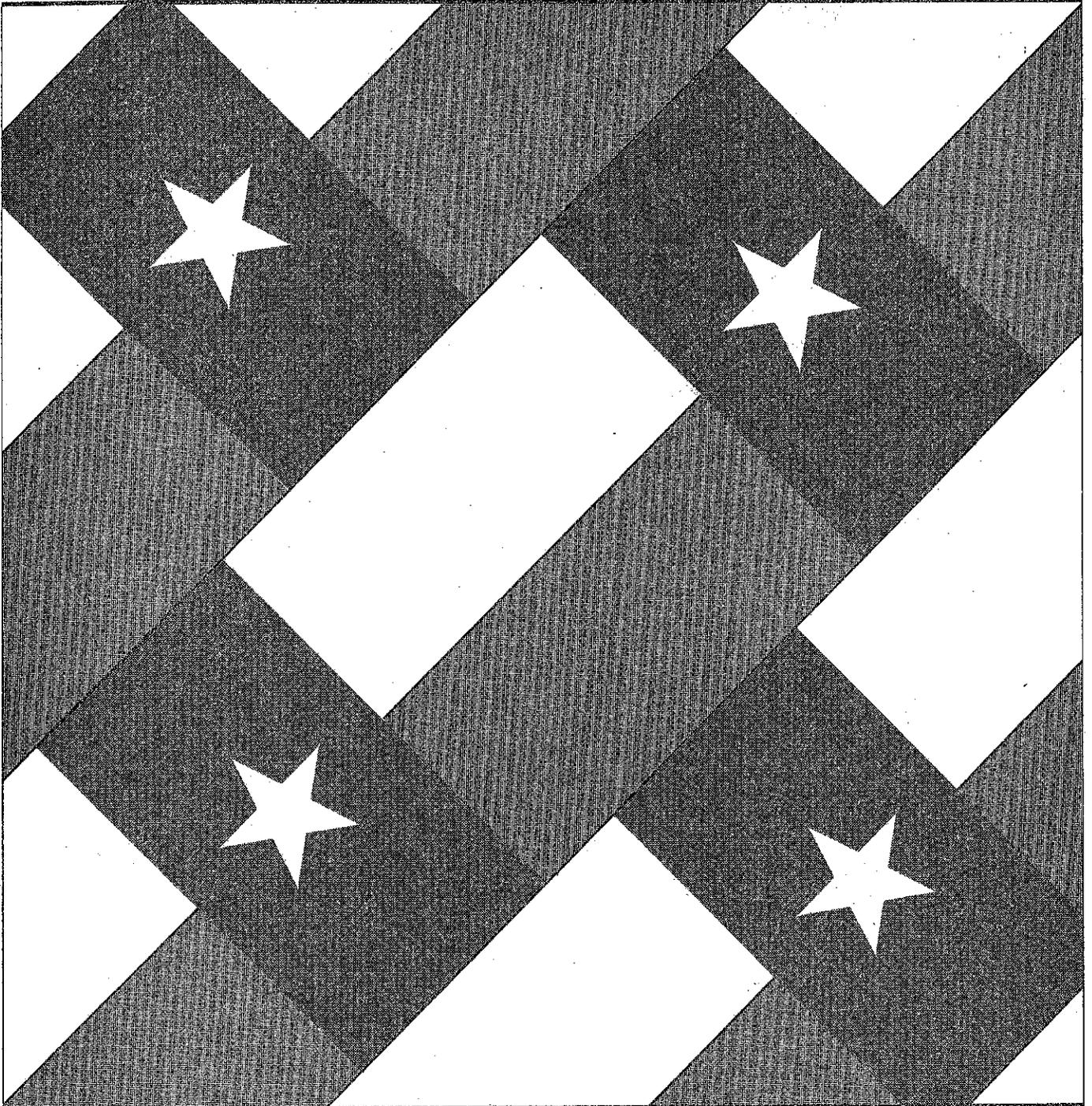


Texas Register

Volume 10, Number 17, March 1, 1985

Pages 719 - 766



Highlights

The **State Board of Insurance** adopts on an emergency basis amendments in a chapter concerning powers and duties.
Effective date - February 21 **page 721**

The **Comptroller of Public Accounts** adopts on

an emergency basis amendments concerning bingo regulation and tax.
Effective date - February 25 **page 722**

The **Texas Air Control Board** proposes amendments and new sections in a chapter concerning volatile organic compounds. Proposed date of adoption - July 31 **page 728**

**Office of
the Secretary
of State**

Table of Contents

TAC Titles Affected This Issue

- | | |
|--|--|
| <p>Title 7. Banking and Securities
Part VII. State Securities Board
Chapter 109. Transactions Exempt From Registration</p> <p>Title 10. Community Development
Part I. Texas Department of Community Affairs
Chapter 9. Texas Community Development Program</p> <p>Title 22. Examining Boards
Part XII. Board of Vocational Nurse Examiners
Chapter 233. Education
Part XIX. Polygraph Examiners Board
Chapter 397. Practice and Procedures</p> <p>Title 25. Health Services
Part V. Texas Health Facilities Commission
Chapter 507. Certificate of Need Requirements</p> <p>Title 28. Insurance
Part I. State Board of Insurance
Powers and Duties
Rating and Policy Forms</p> | <p>Title 31. Natural Resources and Conservation
Part III. Texas Air Control Board
Chapter 114. Motor Vehicles
Chapter 115. Volatile Organic Compounds</p> <p>Part XIII. Board for Lease of University Lands
Chapter 401. Organization of the Board
Chapter 403. Sale of Oil and Gas Leases
Chapter 405. Disposition of Bonuses, Rental, Royalties, Fees
Chapter 407. Operational Matters
Chapter 409. Special Actions by the Board</p> <p>Title 34. Public Finance
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration</p> <p>Title 37. Public Safety and Corrections
Part I. Texas Department of Public Safety
Chapter 11. Commercial Vehicle Registration</p> |
|--|--|

Emergency Rules

- Texas Health Facilities Commission
721— Certificate of Need Requirements
- State Board of Insurance
721— Powers and Duties
- Comptroller of Public Accounts
722— Tax Administration

Proposed Rules

- State Securities Board
724— Transactions Exempt from Registration
- State Board of Insurance
724— Rating and Policy Forms
- Texas Air Control Board
726— Motor Vehicles
728— Volatile Organic Compounds
- Board for Lease of University Lands
738— Organization of the Board
739— Sale of Oil and Gas Leases
743— Disposition of Bonuses, Rental, Royalties, Fees
744— Operational Matters
745— Special Actions by the Board

Withdrawn Rules

- Comptroller of Public Accounts
747— Tax Administration

Adopted Rules

- Texas Department of Community Affairs
748— Texas Community Development Program

- Board of Vocational Nurse Examiners
748— Education
- Polygraph Examiners Board
749— Practice and Procedures
- Texas Department of Public Safety
750— Commercial Vehicle Registration

Open Meetings

- 752— Texas Air Control Board
- 752— Texas Amusement Machine Commission
- 752— Texas Board of Architectural Examiners
- 752— State Commission for the Blind
- 752— Texas State Board of Examiners of Dietitians
- 752— Texas Education Agency
- 753— Texas Employment Commission
- 753— Texas Department of Health
- 753— Texas Indian Commission
- 753— State Board of Insurance
- 753— Texas Department of Labor and Standards
- 754— Legislative Committee on State Telecommunications
- 754— Texas Legislative Council
- 754— Texas Low-Level Radioactive Waste Disposal Authority
- 754— State Board of Morticians
- 754— Board of Pardons and Paroles
- 754— State Pension Review Board
- 754— Texas State Board of Pharmacy
- 755— Public Utility Commission of Texas
- 755— State Purchasing and General Services Commission
- 755— Railroad Commission of Texas

Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. Written testimony received by 4 p.m. on April 12, 1985, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290, Austin, Texas 78723.

This amendment is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act, and to amend any rule or regulation the TACB makes.

§115.162. General Vent Gas Streams. Except for process vent gas streams affected by the provisions of §115.161 of this title (relating to Ethylene from Low Density Polyethylene Production) and §115.163 of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties [County]), no person may allow a vent gas stream to be emitted from any process vent containing one or more of the specific volatile organic compounds listed in paragraph (1) of this section or more compounds which are members of one or more of the classes of volatile organic compounds listed in paragraph (2) of this section unless the vent gas stream is burned properly at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare or a direct flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the executive director in accordance with §115.401 of this title (relating to Procedure).

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

§115.163. General Vent Gas Streams in Dallas, Harris, and Tarrant Counties [County].

(a) Except for process vent gas streams affected by the provisions of §115.161 of this title (relating to Ethylene from Low Density Polyethylene Production), no person may allow a vent gas stream to be emitted from any process vent located in Dallas, Harris, and Tarrant Counties [County] containing volatile organic compounds unless the vent gas stream is burned properly at a temperature equal to or greater than 1,300°F (704°C) in a smokeless flare or a direct flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the executive director in accordance with §115.401 of this title (relating to Procedure).

(b) The following vent gas streams are exempt from the requirements of this section:

(1) (No change.)

(2) in Harris County, a vent gas stream having a combined weight of volatile organic compounds greater than 100 pounds (45.4 kg) in any consecutive 24-hour period, but less than 250 pounds (113.4 kg) per hour averaged over any consecutive 24-hour period and having a true vapor pressure of volatile organic compounds less than 0.44 psia (3.0 kPa);

(3) in Dallas and Tarrant Counties, a vent gas stream having a combined weight of volatile organic compounds greater than 100 pounds (45.4kg) in any consecutive 24-hour period but less than 250 pounds (113.4kg) per hour averaged over a 24-hour period and having a true vapor pressure of volatile organic compounds less than 0.009 psia (0.06 kPa).

§115.164. Compliance Schedule and Counties.

(a) (No change.)

(b) The provisions of §115.163 of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties [County]) shall apply in Dallas, Harris, and Tarrant Counties [County].

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

(3) All persons in Dallas and Tarrant Counties affected by the provisions of §115.163 of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall submit a final control plan to the Texas Air Control Board no later than June 30, 1986, and shall be in compliance with this section as soon as practicable, but no later than December 31, 1987.

(4) All persons in Dallas and Tarrant Counties affected by the provisions of §115.163 of this title (relating to General Vent Gas Streams in Dallas, Harris, and Tarrant Counties) shall remain in compliance with the provisions of §115.162 of this title (relating to General Vent Gas Streams) until compliance is achieved with the provisions of §115.163.

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

Issued in Austin, Texas, on
February 20, 1985.

TRD-851598 Bill Stewart, P.E.
Executive Director
Texas Air Control
Board

Proposed date of adoption:
July 31, 1985

For further information, please call
(512) 476-5711, ext. 354.

★ ★ ★

Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

★31 TAC §§115.171, 115.175, 115.176

The Texas Air Control Board (TACB) proposes amendments to §§115.171, 115.175, and 115.176, concerning specified solvent-using processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

In §115.171, concerning cutback asphalt, the proposed amendments restructure the section and add subsection (b), which would limit the use of cutback asphalt in Dallas, El Paso, and Tarrant Counties to no more than 7.0% of total annual volume, averaged over a two-year period. The proposed amendment to §115.175, concerning exemptions, adds subsection (f) to reduce the exemption for volatile organic compound (VOC) emissions from degreasing operations in Dallas, El Paso, and Tarrant Counties from 550 pounds to three pounds in any consecutive 24-hour period after December 31, 1987. The proposed amendments to §115.176, concerning counties and compliance schedule, add a final compliance date of December 31, 1987, and a final control plan submittal date of December 31, 1985, for new control requirements of §115.171(b) that apply to cutback asphalt operations and §115.175(f) that apply to degreasing operations in Dallas, El Paso, and Tarrant Counties.

The amendments are part of a series of proposed revisions to Chapter 115 to provide in Dallas, El Paso, and Tarrant Counties the additional VOC emission reductions needed to satisfy the U.S. Environmental Protection Agency (EPA) requirements for post-1982 state implementation plan (SIP) revisions.

Bennie L. Engelke, management and staff services director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is improved air quality as a result of a reduction of 2,906 tons per year of VOC emissions in Dallas, El Paso, and Tarrant Counties after December 31, 1987. In addition, these and other VOC emission reductions proposed elsewhere

are necessary to satisfy EPA requirements for post-1982 SIPs and to avoid possible growth sanctions in Dallas, El Paso, and Tarrant Counties. The anticipated economic costs to individuals who are required to comply with the rules as proposed is \$0 each year in 1985 and 1986; \$977,000 in 1987; \$965,000 in 1988; and \$948,000 in 1989 for all facilities affected, adjusting for 5.4% annual inflation.

Public hearings on the proposal are scheduled for 2:30 and 6:30 p.m. on March 27, 1985, in the city council chambers, second floor, 2 Civic Center Plaza, El Paso; 2:30 and 6:30 p.m. on March 27, 1985, in Room N401, Convention Center, 650 South Griffin Street, Dallas; and 2:30 and 6:30 p.m. on March 28, 1985, in the city council chambers, 1000 Throckmorton Street, Fort Worth.

Copies of the proposed amendments are available at the central office of the TACB, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed change is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on April 12, 1985, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The amendments are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.171. *Cutback Asphalt.*

(a) The use of cutback asphalt containing volatile organic compound solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(b) The use of cutback asphalt containing volatile organic compound solvents for the paving of roadways, driveways, or parking lots in Dallas, El Paso, and Tarrant Counties after December 31, 1987, is further restricted to no more than 7.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

§115.175. *Exemptions.*

(a)-(e) (No change.)

(f) After December 31, 1987, only those degreasing operations located on any property in Dallas, El Paso, and Tarrant Counties which, when combined, would emit, when uncontrolled, a combined weight of volatile organic compounds less than three pounds (1.4 kg) in any consecutive 24-hour period shall be exempt from the provisions of §115.172 of this title (relating to Cold Solvent Cleaning), §115.173 of this title (relating to Open-Top Vapor Degreasing), and §115.174 of this title (relating to Conveyorized Degreasing).

§115.176. *Counties and Compliance Schedule.*

(a) The provisions of §115.171 of this title (relating to Cutback Asphalt) shall apply only within Brazoria, Dallas, El Paso, Jefferson, Galveston, Harris, Nueces, Orange, and Tarrant Counties. All [affected] persons affected by §115.171(a) shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1982. All persons affected by §115.171(b) shall also submit a supplemental final control plan to the Texas Air Control Board no later than December 31, 1985, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1987.

(b) (No change.)

(c) The provisions of §115.175(f) of this title (relating to Exemptions) shall supercede and delete the provisions of §115.175(a) in Dallas, El Paso, and Tarrant Counties after December 31, 1987. All persons in Dallas, El Paso, and Tarrant Counties affected by §115.175(f) shall submit a final control plan for compliance by December 31, 1985, and shall be in compliance as soon as practicable but no later than December 31, 1987.

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

Issued in Austin, Texas, on
February 20, 1985.

TRD-861599 Bill Stewart, P.E.
Executive Director
Texas Air Control
Board

Proposed date of adoption:
July 31, 1985

For further information, please call
(512) 475-5711, ext. 354.

★ ★ ★



Surface Coating Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

★ 31 TAC §§115.191, 115.193, 115.194

The Texas Air Control Board (TACB) proposes amendments to §§115.191, 115.193, and 115.194, concerning surface coating processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

One of the amendments proposed to §115.191, concerning emission limitations, adds subparagraph (C) to paragraph (8) to limit volatile organic compound (VOC) emissions from automobile and light-duty truck refinishing in Dallas, El Paso, and Tarrant Counties to 3.0 pounds per gallon of coating (minus water) applied. The other proposed revision to this section adds clause (v) to §115.191(9)(A) which limits the VOC content of coatings applied as a prime coat to the exterior of aircraft to 3.5 pounds per gallon (minus water) in Dallas and Tarrant Counties.

Consistent with the two proposed revisions to §115.191, concerning emission limitations, one of the proposed amendments to §115.193, concerning exemptions, revises the list of exemptions under subsection (c) for coating the exterior of aircraft and automobile refinishing. A third exemption for customized top coating of automobiles and trucks also is clarified to indicate that the word "customized" means the addition of decorative detail on top of the top coat. A second amendment to §115.193 adds new subsection (e) to reduce the exemption limit for surface coating operations located in Dallas and Tarrant Counties from 550 pounds to 100 pounds in any consecutive 24-hour period.

The proposed amendment to §115.194, concerning compliance schedule and counties, adds subsection (e) to require compliance with §115.191(8)(C) and (9)(A)(v), concerning emission limitations, no later than December 31, 1987, and to submit a control plan by December 31, 1985.

These proposed amendments are part of a series of proposed revisions to Chapter 115 to provide in Dallas, El Paso, and Tarrant Counties the additional VOC emission reductions needed to satisfy the U.S. Environmental Protection Agency (EPA) requirements for post-1982 state implementation plan (SIP) revisions.

Bennie L. Engelke, management and staff services director, has determined that for the first five-year period the proposed