

TAC Titles Affected

TAC Titles Affected—October

The following is a list of the administrative rules that have been published this month.

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TITLE 19. EDUCATION

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Part III. Texas Air Control Board

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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 September 23, 1987.

TRD-8708184 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption:
December 18, 1987

For further information, please call
(512) 451-5711, ext. 354.



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

★31 TAC §115.171, §115.176

The Texas Air Control Board (TACB) proposes amendments to §115.171 and §115.176, concerning specified solvent-using processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. The amendment to §115.171 prohibits the use, application, sale, or offering for sale of cutback asphalt in Dallas and Tarrant Counties during the period from April 16-September 15 of each year. This prohibition, however, would not be applied to cutback asphalt stored in long-term stockpiles or used as a penetrating prime coat. The amendment to §115.176 requires affected sources in Dallas and Tarrant Counties to be in compliance no later than December 31, 1990.

These amendments are part of a series of proposed revisions to Chapter 115 to provide the additional volatile organic compound (VOC) emission reductions needed to provide for a demonstration of attainment in the state implementation plan (SIP) revisions for ozone in Dallas and Tarrant Counties required by the United States Environmental Protection Agency (EPA). These revisions will only be adopted as necessary to ensure demonstration of attainment after analysis of testimony regarding all the proposed revisions to Chapter 115 have been completed.

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

Les Montgomery, P.E., director, Technical Support and Regulation Development Program, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be

Improved air quality as a result of a reduction of VOC emissions in Dallas and Tarrant Counties after December 31, 1990. In addition, these controls may be necessary to satisfy the EPA requirements for approval of the SIP revisions for Dallas and Tarrant Counties to avoid the imposition of growth sanctions in those counties. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Public hearings on this proposal are scheduled for the following times and places: October 28, 1987, 7 p.m., Cleburne Civic Center, 1501 West Henderson Street, Cleburne; October 28, 1987, 7 p.m., District Court Room, Rockwall County Courthouse, Rockwall; October 29, 1987, 2 p.m., City Council Chambers, Municipal Building, 101 West Abrams Street, Arlington; October 29, 1987, 7 p.m., City Council Chambers, Municipal Building, 101 West Abrams Street, Arlington.

Copies of the amendments are available at the central office of the 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 change is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by 4 p.m., November 2, 1987, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 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 (As Defined under Specified Solvent-Using Processes in the General Rules).

(a)-(b) (No change.)

(c) **After December 31, 1990, no person shall allow the use, application, sale, or offer for sale of cutback asphalt containing volatile organic compound solvents for the paving of roadways, driveways, or parking lots in Dallas and Tarrant Counties during the period from April 16-September 15 of any year, except:**

- (1) where long-life (longer than one month) stockpile storage is necessary; or
- (2) where the asphalt is to be used solely as a penetrating prime coat.

§115.176. Counties and Compliance Schedule.

(a)-(c) (No change.)

(d) **The provisions of §115.171(c) of this title (relating to Cutback Asphalt) shall apply only within Dallas and Tarrant Counties. All affected persons shall be in compliance with this section as soon as**

practicable, but no later than December 31, 1990.

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

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Texas Air Control Board

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(512) 451-5711, 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. The amendment to §115.191 adds a new subsection (a) to require surface coating operations in Dallas and Tarrant Counties which emit more than 100 pounds of volatile organic compounds (VOC), after application of currently required low-solvent technologies, to capture and control by carbon adsorption or incineration the remaining VOC emissions at a reduction effectiveness of at least 80% by weight. The existing language of §115.191 would be included in a new subsection (b). The amendment to §115.191 also adds the following emission limitations: a new paragraph (8)(D) to specify that coatings used in automobile refinishing shall not exceed 3.0 pounds per gallon of coating (minus water) applied as determined by the weighted monthly average of all coatings and solvents purchased; revisions to paragraph (9) to specify that coatings used in miscellaneous wood and plastics parts and products coating operations must satisfy the emission limitations of miscellaneous metal parts and products coating; and a new paragraph (11) to prohibit the sale or offer for sale of any architectural coating with a VOC content of more than 3.5 pounds per gallon. The amendment to §115.193 ensures that the application of exemptions would be consistent with the proposed amendments regarding automobile refinishing. The amendment to §115.194 requires sources in Dallas and Tarrant Counties affected by the proposed changes to §§115.191-115.193 to be in final compliance no later than December 31, 1990. Sources affected by

new §115.191(a) are also required to submit a control plan to the TACB no later than December 31, 1988.

These amendments are part of a series of proposed revisions to Chapter 115 to provide the additional VOC emission reductions needed to provide for a demonstration of attainment in the state implementation plan (SIP) revisions for ozone in Dallas and Tarrant Counties required by the United States Environmental Protection Agency (EPA). These revisions will only be adopted as necessary to ensure demonstration of attainment after analysis of testimony regarding all the proposed revisions to Chapter 115 has been completed.

Bennie L. Engelke, director of management and staff services, has determined that for the first five-year period the sections as proposed are in effect, there would be the following fiscal implications for the state and local units of government resulting from activities necessary to adequately enforce the proposed sections. The effect on state and local government will be an estimated additional cost for automobile refinishing of \$0.00 in 1988 and 1989, \$100,000 in 1990, \$50,000 in 1991, and \$17,000 in 1992, and for architectural coating, \$0.00 in 1988 and 1989, \$100,000 in 1990, \$50,000 in 1991, and \$17,000 in 1992. There are no fiscal implications to small businesses.

Les Montgomery, P.E., Director, Technical Support and Regulation Development Program, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved air quality as a result of a reduction of VOC emissions in Dallas and Tarrant Counties after December 31, 1990. In addition, these controls may be necessary to satisfy the EPA requirements for approval of the SIP revisions for Dallas and Tarrant Counties to avoid the imposition of growth sanctions in those counties. The possible economic cost to individuals who are required to comply with the sections as proposed will be the cost of surface coating fugitives based on cost/ton of \$0.00 in 1988 and 1989, and \$11,000 each year in 1990-1992, and a total cost ($\times 10^6$) of \$0.00 in 1988 and 1989, and \$9.3 each year in 1990-1992; the cost of automobile refinishing based on cost/ton of \$0.00 in 1988 and 1989, and \$691 each year in 1990-1992, and a total cost ($\times 10^6$) of \$0.00 in 1988 and 1989, and \$1.2 each year in 1990-1992; the cost of wood and plastics coating based on cost/ton of \$0.00 in 1988 and 1989, and \$5,000 each year in 1990-1992, and a total cost ($\times 10^6$) of \$0.00 in 1988 and 1989, and \$4.8 each year in 1990-1992.

The estimated annual cost of controls at individual facilities could range from \$283,000 for surface coating fugitives, \$1,300 for an automobile refinishing operation (recoating an average of three vehicles per day), and \$3,000 for a wood

or plastics parts coating facility. These costs include assumed operating and amortized capital expenses.

Public hearings on this proposal are scheduled for the following times and places: October 28, 1987, 7 p.m., Cleburne Civic Center, 1501 West Henderson Street, Cleburne; October 28, 1987, 7 p.m., District Court Room, Rockwall County Courthouse, Rockwall; October 29, 1987, 2 p.m., City Council Chambers, Municipal Building, 101 West Abrams Street, Arlington; October 29, 1987, 7 p.m., City Council Chambers, Municipal Building, 101 West Abrams Street, Arlington.

Copies of the proposed amendments are available at the central office of the 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. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by 4 p.m. on November 2, 1987, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 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.

§115.191. Emission Limitations.

(a) No person shall operate or allow the operation of a surface coating process defined in §101.1 of this title (relating to Definitions) in Dallas or Tarrant Counties emitting more than 100 pounds of volatile organic compounds in any consecutive 24-hour period, as determined after application of the low-solvent technology required by subsection (b)(1)-(11) of this section, unless the total remaining volatile organic compound emissions are effectively captured and controlled by carbon adsorption or incineration at a reduction effectiveness of at least 80% by weight.

(b) No person may cause, suffer, allow, or permit volatile organic compound emissions from the surface coating processes (defined in §101.1 of this title (relating to Definitions)) affected by paragraphs (1)-(11) [(10)] of this subsection [section] to exceed the specified emission limits, which are based on daily weighted average, except for those in paragraph (8) of this subsection [section], as detailed, [and] for those in paragraph (10) of this subsection [section], which are based on paneling surface area, and those in paragraph (11) of this subsection which are based on the volatile organic compound content of architectural coatings sold or offered for sale.

(1)-(7) (No change.)

(8) Automobile and light-duty truck coating.

(A)-(C) (No change.)

(D) Volatile organic compound emissions from automobile refinishing in Dallas and Tarrant Counties shall not exceed 3.0 pounds per gallon of coating (minus water) applied (0.36 kg/l) as determined by the weighted average of all coatings and solvents purchased for use in the process during any calendar month.

(9) Miscellaneous metal, wood, and plastic parts and products coating.

(A) Volatile organic compound emissions from the coating (prime and top-coat, or single coat) of miscellaneous metal, wood, and plastic parts and products shall not exceed the following limits for each surface coating type:

(i)-(iii) (No change.)

(iv) 3.0 pounds per gallon (0.36 kg/liter) of coating (minus water) applied for all other coating applications that pertain to miscellaneous metal, wood, and plastic parts and products; and

(v) (No change.)

(B)-(C) (No change.)

(10) (No change.)

(11) Architectural coating. The volatile organic compound content of any coating sold or offered for sale as an architectural coating in Dallas and Tarrant Counties shall not exceed 3.5 pounds/gallon (0.42 kg/l).

§115.193. Exemptions.

(a)-(b) (No change.)

(c) The following coating operations are exempt from the application of §115.191 (b)(g) of this title (relating to Emission Limitations):

(1) exterior of airplanes except as required by §115.191(b)(9)(A)(v) of this title (relating to Emission Limitations)

(2) automobile refinishing except as required by §115.191(b)(8)(D) of this title (relating to Emission Limitations);

(3)-(5) (No change.)

(6) any surface coating process or processes at a specific property for which the executive director has approved requirements different from those in §115.191(b)(9) of this title (relating to Emission Limitations) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When he makes such a determination, the executive director shall specify the date or dates by which such different requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years.

(d) The following coating operations are exempt from the application of §115.191(h)(10) of this title (relating to Emission Limitations):

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

(e) After December 31, 1987, in Dallas and Tarrant Counties, only those surface coating operations, which when uncontrolled, will emit a combined weight of volatile organic compounds of less than 100 pounds (45.4 kg) in any consecutive 24-hour period, except aircraft exterior prime coating controlled by §115.191(b)(9)(A)(v) of this title (relating to Emission Limitations) and automobile refinishing controlled by §115.191(b)(8)(D) of this title (relating to Emission Limitations), shall be exempt from the provisions of §115.191 of this title (relating to Emission Limitations).

§115.194. Compliance Schedule and Counties.

(a) All affected persons within Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with §§115.191-115.194 of this title (relating to surface coating processes in Brazoria, Dallas, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties) except for §115.191(b)(7)(B), (b)(8)(B), and (b)(9)(A)(v) of this title (relating to Emission Limitations), as soon as practicable, but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(b) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(b)(7)(B) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1985, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(c) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(b)(8)(B) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1986, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(d) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(b)(9) and (b)(10) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1980.

(e) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(b)(9)(A)(v) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1987, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1985.

(f) All affected persons in Dallas and Tarrant Counties shall be in compliance with

§115.191(b)(8)(D) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1990.

(g) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(b)(11) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1990.

(h) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(a) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1990, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1988.

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 September 23, 1987.

TRD-8708187

Allen Eli Bell
Executive Director
Texas Air Control Board

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For further information, please call
(512) 451-5711, ext. 354.



Graphic Arts (Printing) by
Rotogravure and Flexographic
Processes in Brazoria, Dallas,
El Paso, Galveston, Gregg,
Harris, Jefferson, Nueces,
Orange, Tarrant, and Victoria
Counties

★31 TAC §§115.201-115.203

The Texas Air Control Board (TACB) proposes amendments to §§115.201-115.203, concerning graphic arts (printing) by rotogravure and flexographic processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. The amendment to §115.201 adds a subsection (b) to require graphic arts facilities in Dallas and Tarrant Counties to use low-solvent inks or to capture and control volatile organic compound (VOC) emissions by carbon adsorption or incineration to provide for an overall VOC control effectiveness of 80% by weight. The amendment to §115.202 also adds a sub-

section (b) to reduce the exemption limit for graphic arts facilities in Dallas and Tarrant Counties after December 31, 1990, to require control of all affected sources which emit more than 100 pounds of VOC in any consecutive 24-hour period. The amendment to §115.203 requires all sources in Dallas and Tarrant Counties affected by the changes to §115.201 and §115.202 to be in final compliance no later than December 31, 1990. The existing control requirements will remain in effect until final compliance is achieved.

The amendments are part of a series of proposed revisions to Chapter 115 to provide the additional VOC emission reductions needed to provide for a demonstration of attainment in the state implementation plan (SIP) revisions for ozone in Dallas and Tarrant Counties required by the United States Environmental Protection Agency (EPA). These revisions will only be adopted as necessary to ensure demonstration of attainment after analysis of testimony regarding all the proposed revisions to Chapter 115 has been completed.

Bennie L. Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections 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 sections, as identified in the 1982 *Texas Small Business Directory*, which are not expressly required to comply with the rule as proposed.

Les Montgomery, P.E., director, Technical Support and Regulation Development Program, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved air quality as a result of a reduction of VOC emissions in Dallas and Tarrant Counties after December 31, 1990. In addition, these controls may be necessary to satisfy the EPA requirements for approval of the SIP revisions for Dallas and Tarrant Counties to avoid the imposition of growth sanctions in those counties. The anticipated economic cost to individuals who are required to comply with the rule as proposed would be: a cost/ton of \$0.00 in 1988 and 1989, and \$3,045 each year in 1990-1992, and a total cost ($\times 10^6$) of \$0.00 in 1988 and 1989, and \$1.8 each year in 1990-1992. The annual cost of controls at a facility affected by these proposed amendments is estimated to be \$165,000, including a capital expense of \$238,000 amortized over a 10-year period and operating costs of approximately \$100,000 per year.

Public hearings on this proposal are scheduled for the following times and places:

October 28, 1987, 7 p.m., Cleburne Civic Center, 1501 West Henderson Street.