

TAC Titles Affected

TAC Titles Affected—October

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

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

| | |
|-------------------------------|------|
| 1 TAC §111.37 | 3513 |
| 1 TAC §113.5 | 3513 |
| 1 TAC §113.10 | 3540 |
| 1 TAC §113.73 | 3540 |
| 1 TAC §§115.31-115.33, 115.36 | 3514 |

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

| | |
|--------------------------|------|
| 4 TAC §§32.1-32.12 | 3540 |
| 4 TAC §§32.1-32.8 | 3540 |
| 4 TAC §§35.1, 35.2, 35.4 | 3514 |
| 4 TAC §§35.2, 35.4, 35.5 | 3541 |
| 4 TAC §37.2 | 3547 |
| 4 TAC §§39.1, 39.3, 39.4 | 3547 |
| 4 TAC §41.1 | 3548 |
| 4 TAC §43.2 | 3548 |
| 4 TAC §47.1, §47.2 | 3515 |
| 4 TAC §§47.1-47.6 | 3516 |
| 4 TAC §51.1, §51.2 | 3549 |
| 4 TAC §§51.1-51.3 | 3548 |
| 4 TAC §55.6, §55.7 | 3549 |

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

| | |
|---------------|------|
| 16 TAC §69.67 | 3549 |
|---------------|------|

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

| | |
|---------------|------------|
| 19 TAC §25.33 | 3518, 3550 |
| 19 TAC §25.72 | 3550 |

Part II. Texas Education Agency

| | |
|---------------------------------|------|
| 19 TAC §§149.41, 149.43, 149.44 | 3506 |
| 19 TAC §§149.41, 149.43, 149.44 | 3519 |

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

| | |
|------------------------------|------|
| 22 TAC §§218.1, 281.5-218.12 | 3519 |
|------------------------------|------|

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

| | |
|---------------------------------|------------|
| 25 TAC §§13.11-13.15 | 3521 |
| 25 TAC §§13.11-13.17 | 3521 |
| 25 TAC §§89.4-89.8 | 3550 |
| 25 TAC §§157.63, 157.77, 157.82 | 3507, 3523 |
| 25 TAC §295.2, §295.9 | 3551 |

TITLE 28. INSURANCE

Part I. State Board of Insurance

| | |
|-------------|------|
| 28 TAC §9.1 | 3524 |
|-------------|------|

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

| | |
|---------------|------------|
| 31 TAC §13.19 | 3508, 3524 |
|---------------|------------|

Part III. Texas Air Control Board

| | |
|------------------------------------|------|
| 31 TAC §101.1 | 3525 |
| 31 TAC §§115.131-115.135 | 3526 |
| 31 TAC §§115.163, §115.164 | 3528 |
| 31 TAC §§115.171, §115.176 | 3529 |
| 31 TAC §§115.191, 115.193, 115.194 | 3529 |
| 31 TAC §§115.201-115.203 | 3531 |
| 31 TAC §§115.291, 115.293, 115.294 | 3532 |
| 31 TAC §§116.5, 116.7, 116.10 | 3533 |
| 31 TAC §116.13 | 3535 |

Part X. Texas Water Development Board

| | |
|--------------------------|------|
| 31 TAC §355.1 | 3508 |
| 31 TAC §§355.10-355.19 | 3509 |
| 31 TAC §§355.101-355.110 | 3512 |

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

| | |
|--------------|------|
| 37 TAC §3.59 | 3536 |
|--------------|------|

Part IX. Texas Commission on Jail Standards

| | |
|-----------------|------|
| 37 TAC §253.1 | 3538 |
| 37 TAC §259.345 | 3538 |
| 37 TAC §259.346 | 3538 |

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

| | |
|---------------------------------------|------------|
| 40 TAC §§35.1-35.6 | 3553 |
| 40 TAC §35.101, §35.102 | 3553 |
| 40 TAC §§35.201-35.203, 35.205-35.210 | 3553 |
| 40 TAC §§35.201-35.205 | 3554 |
| 40 TAC §35.301, §35.302 | 3554 |
| 40 TAC §§35.301-35.303 | 3554 |
| 40 TAC §§35.401-35.404 | 3554 |
| 40 TAC §§35.401-35.408 | 3554 |
| 40 TAC §§35.501-35.504 | 3554 |
| 40 TAC §35.501, §35.502 | 3554 |
| 40 TAC §§35.601-35.610 | 3554, 3555 |
| 40 TAC §§35.701-35.710 | 3555 |
| 40 TAC §§35.701-35.709 | 3555 |
| 40 TAC §35.801-35.804 | 3556 |
| 40 TAC §§35.801-35.808 | 3556 |
| 40 TAC §§35.901-35.904 | 3556 |
| 40 TAC §35.9001 | 3556 |
| 40 TAC §§35.9801, 35.9803, 35.9804 | 3556 |
| 40 TAC §85.7005 | 3539 |
| 40 TAC §§85.7005-85.7007 | 3539 |

(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

Proposed date of adoption:
December 18, 1987

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.

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 amendments 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.

§115.201. Control Requirements.

(a) No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility that uses solvent-containing ink, unless volatile organic compound emissions are limited by one of the following:

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

(b) No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility in Dallas or Tarrant Counties that uses solvent-containing ink, unless volatile organic compound emissions are limited by one of the following.

(1) The volatile fraction of ink, as it is applied to the substrate, contains 25% by volume or less of volatile organic compound solvent and 75% by volume or more of water.

(2) The ink, as it is applied to the substrate, less water, contains 60% by volume or more of nonvolatile material.

(3) Volatile organic compound emissions are effectively captured and controlled by carbon adsorption or incineration to provide for an overall reduction in volatile organic compound emissions of at least 80% by weight.

§115.202. Exemptions:

(a) Any rotogravure or flexographic facility which when uncontrolled emits a combined weight of volatile organic compounds (VOC) less than 100 tons (91 metric tons) in one year (based on historical ink and VOC solvent usage) is exempt from the requirements of §115.201(a) of this title (relating to Control Requirements).

(b) In Dallas and Tarrant Counties after December 31, 1990, only those rotogravure and flexographic printing facilities which when uncontrolled emit a combined weight of VOCs less than 100 pounds in any consecutive 24-hour period (based on historical ink and solvent usage) are exempt from the requirements of §115.201(b) of this title (relating to Control Requirements).

§115.203. Compliance Schedule and Counties.

(a) The provisions of §115.201(a) of this title (relating to Control Requirements) shall apply within Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance as soon as practicable, but no later than December 31, 1982.

(b) The provisions of §115.201(b) of this title (relating to Control Requirements) shall apply in Dallas and Tarrant Counties. All affected persons shall be in compliance as soon as practicable, but no later than December 31, 1990, and shall remain in compliance with §115.201(a) of this title (relating to Control Requirements) until compliance is achieved.

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-8708188

Allen, Ell Bill
Executive Director
Texas Air Control Board

Proposed date of adoption:
December 18, 1987

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

Specified Consumer-Solvent Products

★31 TAC §§115.291, 115.293, 115.294

The Texas Air Control Board (TACB) proposes new §§115.291, 115.293, and 115.294, concerning specified consumer-solvent products in Dallas and Tarrant Counties. New §115.291 prohibits the sale or offer for sale in Dallas and Tarrant Counties of automobile windshield washer fluids or space deodorants (room fresheners) which contain volatile organic compounds (VOC) as an active ingredient, solvent, or any other component, and aerosol spray products which contain VOC in the propellant. New §115.293 exempts products purchased by and delivered to a

retail outlet prior to December 31, 1989, products sold or offered for sale to wholesale outlets for distribution or sale to consumers outside of Dallas and Tarrant Counties, and products sold or offered for sale to retail outlets located outside of Dallas and Tarrant Counties from the requirements of §115.291. New §115.294 requires all persons in Dallas and Tarrant Counties affected by the changes to §§115.291-115.293 to be in final compliance no later than December 31, 1990.

These new sections 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 will be fiscal implications for the state and local units of government resulting from activities to adequately enforce the proposed sections. The effect on state and local government will be an estimated additional cost of \$0.00 in 1988 and 1989, \$300,000 in 1990, \$150,000 in 1991, and \$50,000 in 1992. There are no fiscal implications to small businesses.

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, 1601 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 new sections are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin,