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title (relating to Control Requirements), if all other provisions of that section are satisfied and all of the following additional conditions are met:

(1) (No change.)

(2) no avoidable gasoline leaks exist anywhere in the liquid transfer or vapor balance systems. Inspection for liquid leaks, visible vapors, or significant odors resulting from gasoline transfer shall be conducted. Gasoline transfer shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(3)-(7) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 30, 1988.

TRD-8812238 Allen Eli Bell
Executive Director
Texas Air Control Board

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Proposal publication date: June 7, 1988

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

Water Separation

• 31 TAC §§115.141-115.144

The Texas Air Control Board (TACB) adopts an amendment to §§115.141-115.144, without changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2805).

The amendments to §115.141, require all facilities other than petroleum refineries in Dallas and Tarrant counties to implement specified controls on any volatile organic compound (VOC) water separator which separates materials having a true vapor pressure of VOC equal to or greater than 0.5 psia regardless of daily throughput. The amendments to §115.142 require similar controls in separators located at petroleum refineries in Dallas and Tarrant counties. The amendments to §115.143 eliminate the exemption for VOC water separators in Dallas and Tarrant counties used exclusively in conjunction with crude oil and condensate production after August 31, 1990. The amendments also specify necessary recordkeeping requirements for all affected facilities. The amendments to §115.144 establish a final compliance date of August 31, 1990. Various additional changes to these sections clarify and simplify the enforcement of current requirements.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

The Environmental Protection Agency (EPA) testified against the proposed amendments to §115.143, while Mobil Oil Corporation (Mobil) testified against the entire proposal. No comments were received in favor of the proposal.

A summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 Highway 290 East, Austin, Texas 78723.

Mobil objected to the proposal because it would essentially require all separators to be controlled regardless of size or throughput and stated that the term materials would include all substances passing through the separator. Control of a VOC water separator normally involves the addition of a simple cover to reduce evaporation. The cost of such a control does not appear prohibitive even for small sources, therefore, is considered reasonable. The regulation of materials passing through a separator is clearly based only on the vapor pressure of the VOC present.

EPA noted that no compliance date was provided for the proposed recordkeeping requirements associated with the exemptions in §115.143(c). Records necessary to demonstrate compliance with exemption criteria would be necessary at the same time compliance would be required of controlled sources. The specification of a separate and distinct compliance date appears unnecessary.

The amendments are adopted 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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Vent Gas Control

• 31 TAC §§115.162-115.164

The Texas Air Control Board (TACB) adopts amendments to §§115.162-115.164. Section 115.163 is adopted with changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2808). Section 115.162 and §115.164 are adopted without changes and will not be republished.

The amendments to §115.162, concerning general vent gas streams, clarify that the exemption for vent gas streams with emissions exceeding 100 pounds per day of volatile organic compounds (VOC) are based on the concentration of VOC in the vent gas. Reference in the exemption to vents which exceed

250 pounds of VOC per hour is considered unnecessary and has been deleted. Similar changes were made in §115.164, concerning general vent gas streams in Dallas, Harris, and Tarrant counties. These amendments also specify necessary test methods and recordkeeping requirements for affected sources in Dallas and Tarrant counties. The amendments to §115.164, concerning compliance schedule and counties, require all affected sources to begin maintaining necessary records no later than August 31, 1990. Various additional amendments to these sections clarify and simplify the enforcement of current requirements.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Four commenters, an individual commenter, the Environmental Protection Agency (EPA), the City of Fort Worth Health Department (Fort Worth), and General Motors Corporation (GM), testified against the proposed amendments to §115.163, while no comments were received in favor of the proposal. No comments were received regarding amendments to §115.162 or §115.164.

A summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 Highway 290 East, Austin, Texas 78723.

The individual commenter recommended that incinerator effectiveness should be greater than 90% as proposed since many units can achieve a 98% or more efficiency. While this may be true for thermal incineration, the TACB has chosen to retain flexibility to allow the use of catalytic incineration and other devices where cost of thermal incineration may be unreasonable. Catalytic incineration efficiency can initially be comparable to thermal incineration, but gradually declines with extended use to approximately 90% when regeneration or replacement of the catalyst is necessary.

EPA stated that the 100 pound per day exemption for individual vent gas streams is acceptable only for sources which have overall emissions of less than 100 tons per year and that low volume, high concentration vents at major facilities should be combined and controlled. Examination of major sources in Dallas and Tarrant counties indicates that no uncontrolled vents exist with VOC concentrations above the current exemption limit. Establishing such a vent gas control requirement for all major sources might set a precedent that could affect other geographic areas without sufficient consideration of the control effectiveness and economic impact of complying with this policy. Any strategy developed for other areas which would require combining and controlling individual vents must consider the technical and economic feasibility of ducting together widely separated vents, concentrating very dilute streams, or adding numerous small incinerators.

Fort Worth and GM expressed concern re-

garding the resources which may be necessary to comply with the proposed recordkeeping requirements. GM objected to daily recordkeeping of ven parameters, stating that the proposal implied a requirement for continuous monitoring equipment. They recommended an alternative which would require exempt sources to comply with annual testing procedures to document continued applicability of the exemption. A daily record of calculated VOC emissions and concentration estimates may be sufficient. If it is not sufficient and continuous or daily monitoring is impractical, then alternate methods of determining continuous compliance with exemption criteria may be appropriate and will be considered on a case-by-case basis. Furthermore, recordkeeping and/or testing of extremely small or dilute vent gas streams which are demonstrated to be less than 50% of exemption limits appears unnecessary. Finally, controlled sources will be required to record information regarding control equipment operation and associated testing only, since information regarding total emission rates and concentrations is not applicable.

The amendments are adopted 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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

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

(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 submitted from any process vent located in Dallas, Harris, and Tarrant Counties containing volatile organic compounds unless the vent gas stream is burned properly at temperature equal to or greater than 1300 degrees Fahrenheit (704 degrees Celsius) in a smokeless flare or a direct-flame incinerator with a destruction efficiency of 90% or greater 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) a vent gas stream from any air oxidation synthetic organic chemical manufacturing process with a true partial pressure of volatile organic compounds less than 0.009 psia (612 ppm);

(B) a vent gas stream from any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing pro-

cess, and any continuous polystyrene manufacturing process with a true partial pressure of volatile organic compounds less than 0.006 psia (408 ppm);

(C) any other vent gas stream with a true partial pressure of volatile organic compounds less than 0.44 psia (30,000 ppm).

(3) in Dallas and Tarrant Counties, a vent gas stream with a true partial pressure of volatile organic compounds less than 0.009 psia (612 ppm).

(c) Compliance with this section shall be determined by applying the following test methods, as appropriate:

(1) Test Method 22 (40 Code of Federal Regulations 60, Appendix A) for visual determination of fugitive emissions from material sources and smoke emissions from flares;

(2) additional control device requirements for flares described in 40 60. 18;

(3) Test Methods 14 (40 Code of Federal Regulations 60, Appendix A) for determining flow rate, as necessary;

(4) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(5) Test Method 25 (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(6) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(7) equivalent test methods approved by the executive director.

(d) The owner or operator of any facility in Dallas or Tarrant Counties which emits volatile organic compounds through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the Texas Air Control Board or local air pollution control agency having jurisdiction in the area, upon request. These records shall include, but not be limited to, the following.

(1) Records for each vent required to satisfy the provisions of subsection (a) of this section shall be sufficient to demonstrate the proper functioning of applicable control equipment to design specifications, including:

(A) the exhaust gas temperature immediately downstream of a direct-flame incinerator, in degrees Celsius;

(B) the date and reason for any maintenance and repair of the required

control devices and the estimated quantity and duration of volatile organic compound emissions during such activities; and

(C) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in subsection (c) of this section.

(2) Records for each vent exempted from control requirements in accordance with subsection (b) of this section shall be sufficient to demonstrate compliance with applicable exemption limits, including:

(A) the combined weight of volatile organic compounds of each vent gas stream on a daily basis;

(B) the true partial pressure of volatile organic compounds in each vent gas stream on a daily basis; and

(C) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in subsection (c) of this section.

(3) Alternatively, records for each vent exempted from control requirements in accordance with subsection (b) of this section and having a volatile organic compound emission rate and concentration less than 50% of the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit, including:

(A) complete information from either test results or appropriate calculations which clearly documents emission characteristics at maximum actual operating conditions of less than 50% of the applicable exemption limits; and

(B) daily operating parameters which may affect volatile organic compound emissions from the vent sufficient to accurately compare actual daily operating conditions to the maximum actual operating conditions represented for the affected facility.

(e) Alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Allen Eli Bell
Executive Director
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Specified Solvent-Using Processes

31 TAC §§115.171-115.176

The Texas Air Control Board (TACB) adopts amendments to §§115.171-115.176. Sections 15.172-115.175 are adopted with changes to the proposed text as published in the June 1988, issue of the *Texas Register* (13 TexReg 2809). Section 115.171 and §115.176 are adopted without changes and will not be republished.

The amendment to §115.171, concerning cutback asphalt, require any state, municipal, or county agency which uses or specifies the use of cutback asphalt or asphalt emulsions to maintain records sufficient to document compliance with applicable requirements. The amendments to §115.172, concerning old solvent cleaning, establish a minimum control efficiency of 65% for emissions capture and control systems. The amendments to §115.173, concerning open-top vapor degreasing operations, and §115.174, concerning conveyorized degreasing operations, establish a minimum control efficiency of 85% in refrigerated chillers or alternate capture and control systems. These amendments also specify the necessary test methods and recordkeeping requirements for all affected sources. The amendments to §115.175, concerning exemptions, eliminates any size exemption for degreasing operations in Dallas and Tarrant counties after August 31, 1990. The amendments to §115.176, concerning counties and compliance schedule, specify that all affected sources in Dallas and Tarrant counties must begin maintaining necessary records no later than August 31, 1990. Various additional amendments to these sections clarify and simplify the enforcement of current requirements.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Three commenters, an individual, General Dynamics (GD), and Texas Instruments (TI), testified against the proposed amendments to §§115.172-115.174, while no comments were received in favor of the proposals. One commenter, the Environmental Protection Agency (EPA), testified against the proposed amendments to §115.175, while no comments were received in favor of the proposal. No comments were received regarding §§115.171 or §115.176. A summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 Highway 290 East, Austin, Texas 78723.

The individual commenter suggested that the proposed control efficiencies were not strin-

gent enough, while GD stated that controls should be verified under actual operating conditions. These controls were developed in conformance with the control technique guidelines (CTG) published by EPA which specify appropriate design efficiency criteria. No independent demonstrations to confirm design performance appears necessary.

TI objected to recordkeeping requirements for individual degreasers at facilities where numerous degreasers are utilized and recommended monthly solvent purchase and disposal records for the entire plant rather than for each degreaser. The regulation is applicable to each individual degreaser, necessitating some way of determining compliance for each unit. Records for an entire plant would not be sufficient to satisfy this condition. However, since the exemption for small degreasers has been eliminated in Dallas and Tarrant counties, no record of solvent purchase or disposal appears necessary. Information regarding maintenance and testing of control equipment will still be required.

GD advocated the development of non-volatile solvents for degreasers. Such activity is encouraged where the substitute solvent does not represent a public health risk due to its toxicity.

EPA stated that in order to demonstrate application of RACT to all CTG sources, the exemption level of three pounds per day must either be deleted for Dallas and Tarrant counties or must be shown to have an insignificant effect on overall emissions. Most cold solvent cleaning operations already appear to utilize vapor control technology which satisfies TACB requirements for economic reasons. Therefore, elimination of the current exemption for small degreasing operations is not expected to require most sources to install additional control equipment. However, the effective enforcement of controls on individual cold solvent cleaners is expected to prove difficult and impractical due to the very large numbers of such cleaners in use. Enforcement is expected to be accomplished whenever violations are observed in conjunction with another investigation or through routine surveillance as resources allow.

The amendments are adopted 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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.172. Cold Solvent Cleaning.

(a) No person shall own or operate a system utilizing a volatile organic compound for the cold cleaning of objects without the following controls:

(1) A cover shall be provided for each cleaner which shall be kept closed whenever parts are not being handled in the cleaner. The cover shall be designed for easy one-handed operation if any one of the following exists:

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

(2) (No change.)

(3) A permanent label summarizing the operating requirements in subsection (b) of this section shall be attached to the cleaner in a conspicuous location near the operator.

(4) If a solvent spray is used, it must be a solid fluid stream (not a fine, atomized, or shower-type spray) and at an operating pressure of 10 psig or less as necessary to prevent splashing above the acceptable freeboard.

(5) One of the following controls is required if the solvent vapor pressure is greater than 0.6 psia (4.1 kPa), as measured at 100 degrees Fahrenheit (38 degrees Celsius), or if the solvent is heated above 120 degrees Fahrenheit (49 degrees Celsius):

(A) a freeboard that provides a ratio (the freeboard height divided by the degreaser width) equal to or greater than 0.7; or

(B) (No change.)

(6) Compliance with this subsection shall be determined by applying the following test methods, as applicable:

(A) ASTM Test Method D 323-82 for determining Reid Vapor Pressure, or

(B) Equivalent test methods and procedures approved by the executive director.

(7) An alternative capture and control system with a demonstrated overall volatile organic compound emission reduction efficiency of 65% or greater may be used in lieu of the requirements of paragraphs (1)-(6) of this subsection, if approved by the executive director.

(b) No person shall own or operate a system using a volatile organic compound for the cold cleaning of objects without complying with the following operating procedures:

(1) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into the atmosphere. Waste solvents shall be stored only in covered containers.

(2) The degreaser cover shall be kept closed whenever parts are not being handled in the cleaner.

(3) (No change.)

§115.173. Open-Top Vapor Degreasing.

(a) No person shall own or operate a system utilizing a volatile organic compound for the open-top vapor cleaning of objects without the following controls.

(1) (No change.)