

• 28 TAC §45.15

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Industrial Accident Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Industrial Accident Board proposes the repeal of §45.15, concerning filing of employer's first report of injury. The repeal is proposed for the purpose of reorganization. An amendment incorporating the contents of this section into the preceding section is simultaneously proposed and is published elsewhere in this issue.

Inez "Tippy" Foster, acting executive director, has determined that there will not be fiscal implications as a result of enforcing or administering the section.

Ms. Foster also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater clarity for employers regarding their obligations under the workers' compensation laws, resulting in improved compliance.

Comments on the proposal may be submitted to Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes Article 8307, §4(a) which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the Workers' Compensation Act.

§45.15. Filing of Employer's First Report of Injury.

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 July 17, 1989

TRD-8906200 Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989.

For further information, please call: (512) 448-7960

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Chapter 65. Unethical or Fraudulent Claims Practices

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• 28 TAC §65.10

The Industrial Accident Board proposes an amendment to §65.10, concerning actions by carrier, claimant's attorney, and/or agent. The amendment adds to the list of prohibited acts the carrier's failure to file certain forms received from employers.

Inez "Tippy" Foster, acting executive director,

has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Foster also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section as proposed will be ensuring carrier compliance with the workers' compensation laws. There will be no anticipated economic cost to individuals who are required to comply with the section as proposed.

Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4 which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the Workers' Compensation Act.

§65.10. Actions by Carrier, Claimant's Attorney, and/or Agent. The following willful acts shall be deemed unethical or fraudulent conduct by the board:

(1) Carrier representatives:

(A)-(U) (No change.)

(V) controverting claims when evidence clearly indicates compensability;[.]

(W) failing to file with the board, immediately upon receipt, originals of the E-1, "Employer's First Report of Injury or Illness"; E-2, "Employer's Supplemental Report of Injury"; and IAB-150, "Employer's Wage Statement";

(2) (No change.)

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 July 17, 1989.

TRD-8906199 Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Counties in Other Than Ozone Nonattainment Areas

• 31 TAC §115.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes to repeal §115.1, concerning counties in other than ozone nonattainment areas. The only section involved in this proposed repeal is §115.1, concerning counties affected.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the section is in effect, there will be no fiscal implications for state and local governments, small businesses, or individuals and businesses affected by the repeal.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the section would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of a new section would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin, August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 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 receive

ing five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeal 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.

§115.1. Counties Affected.

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 July 14, 1989.

TRD-8906268 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

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

Storage of Volatile Organic Compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §115.11-115.14

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes to repeal §§115.11-115.14, concerning storage of volatile organic compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.11, concerning control requirements; §115.12, concerning floating roof storage tank requirements; §115.13, concerning exemptions; and §115.14, concerning compliance.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeals are in effect, there will be no fiscal implications for state and local

governments, small businesses, or individuals and businesses affected by the repeals.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 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 the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals 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.

§115.11. Control Requirements.

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 July 14, 1989.

TRD-806267 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

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

Loading and Unloading Facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §115.21, §115.22

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes to repeal §115.21 and §115.22, concerning loading and unloading facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.21, concerning throughput and control requirements; and §115.22, concerning exemptions.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeals are in effect, there will be no fiscal implications for state and local governments, small businesses affected by the repeals.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 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 the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals 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.

§115.21. Throughput and Control Requirements.

§115.22. Exemptions.