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AUSTIN, TEXAS

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Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Sheepshead.	5	10	12	No limit
Snapper, red.	No limit	No limit	13	No limit
Snook.	3	6	20	28
Tarpon.	<u>0</u> [1]	<u>0</u> [1]	[48]	[No limit] <u>Catch and release only</u>
Trout: rainbow and brown trout, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	No limit	No limit
Walleye.	5	10	16	No limit

(B) (No change.)

(c)-(e) (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 June 3, 1991.

TRD-9106455 Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Earliest possible date of adoption: July 8, 1991

For further information, please call: 1-800-792-1112, ext. 4863 or (512) 389-4863

Part III. Texas Air Control Board

Chapter 101. General Rules

• 31 TAC §101.1

The Texas Air Control Board (TACB) proposes an amendment to §101.1, concerning definitions. The proposed change to §101.1 adds a definition for liquid fuel. This definition is added in support of a simultaneous revision to §112.6, concerning allowable rates-liquid fuel-fired steam generators, which would limit the sulfur content of liquid fuel in Harris and Jefferson Counties. The new definition would be consistent with terminology now used by the United States Environmental Protection Agency (EPA).

Bennie Engelke, director of administrative services, 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.

James Myers, P.E., deputy director for regulatory operations, 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 will be an improved and consistent understanding of the parameters of a liquid fuel. There will be no effect on small businesses. There is no anticipated economic cost to persons (facilities) who are required to comply with the section as proposed.

Public hearings on this proposal are scheduled for the following times and places: July 1, 1991, 7 p.m., John Gray Institute, 855 Florida Avenue, Beaumont and July 2, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston.

Copies of the proposed section are available from Karen Kirkpatrick at the central office of TACB, 12124 Park 35 Circle, Austin, Texas 78753, 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 the Regulation Development Section at TACB central office by 4 p.m. on July 5, 1991, will be included in the hearing record.

The amendment is proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

§101.1. Definitions. Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the board, the terms used by the board have the meanings commonly

ascribed to them in the field of air pollution control. In addition to the terms which are defined by TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Liquid fuel—A liquid combustible mixture, not derived from hazardous waste, with a higher heating value of at least 5,000 Btu per pound.

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 May 31, 1991.

TRD-9106439 Lane Hartsock
Director, Planning and
Development Program
Texas Air Control Board

Earliest possible date of adoption: September 30, 1991

For further information, please call: (512) 451-5711 ext. 433

Chapter 112. Control of Air Pollution From Sulfur Compounds

• 31 TAC §112.6, §112.20

The Texas Air Control Board (TACB) proposes amendment to §112.6 and §112.20, concerning control of sulfur dioxide. The proposed changes have been developed to reduce existing and potential exposure to sulfur dioxide in Harris and Jefferson Counties. Measured concentrations near or above the 24-hour sulfur dioxide national ambient air quality standard have been observed, and using permitted allowable emissions, addi-

tional exceedances have been predicted. Placing limits on the sulfur content of liquid fuel has shown that the magnitude, frequency, and extent of these predicted exceedances could be reduced. The primary effect of the proposal is to supersede and remove the permitted flexibility of numerous sources in the two counties which currently enables them to convert from natural gas and/or low sulfur liquid fuels to high sulfur liquid fuels. Removal of the flexibility to utilize high sulfur liquid fuel is expected to help prevent future air quality deterioration.

The proposed change to §112.6, concerning allowable rates-liquid fuel-fired steam generators, adds a requirement to limit the sulfur content of liquid fuels combusted in Harris and Jefferson Counties to 0.3 weight percent and sulfur dioxide emissions from liquid fuel combustion to 150 parts per million volume (ppmv). Existing stocks of sulfurized fuels above 0.3 weight percent may be co-burned with low sulfur fuels as long as the 150 ppmv emissions limit is achieved. The proposed change to §112.20, concerning compliance deadlines, adds a compliance date for the new requirements.

Bennie Engelke, director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

James Myers, P.E., deputy director for regulatory operations, 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 the reduced potential for public exposure to sulfur dioxide in Harris and Jefferson Counties. There will be no fiscal implications for persons and businesses required to implement the proposed amendments provided that availability and cost of natural gas remain unchanged. Those operating with sulfurized fuels will be required to pay a premium for fuel with a sulfur content limited to 0.3%. The cost differential can vary widely, depending on the comparative sulfur content, but may average approximately \$.10 per gallon, \$4.50 per barrel, and \$30 per ton.

Public hearings on this proposal are scheduled for the following times and places: July 1, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont and July 2, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston.

Copies of the proposed sections are available from Karen Kirkpatrick at the central office of TACB, 12124 Park 35 Circle, Austin, Texas 78753, 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 at the TACB central office by 4 p.m. on July 5, 1991, will be included in the hearing record.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

§112.6. Allowable Rates-Liquid Fuel-Fired Steam Generators.

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

(d) No person in Harris or Jefferson Counties may cause, suffer, allow, or permit the use of liquid fuel for combustion from any stationary liquid fuel-fired steam generator, furnace, or heater with a sulfur content greater than 0.3% by weight or emissions or sulfur dioxide from any liquid fuel-fired steam generator, furnace, or heater to exceed 150 ppm, by volume, under actual stack conditions.

§112.20. Compliance Deadlines.

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

(c) All persons in Harris and Jefferson Counties affected by the provisions of §112.6(d) of this title (relating to Allowable Rates-Liquid Fuel-Fired Steam Generators) shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.

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 May 31, 1991.

TRD-9106438

Lane Hartsock
Director, Planning and
Development Program
Texas Air Control Board

Proposed date of adoption: September 30, 1991

For further information, please call: (512) 451-5711 ext. 433

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Accounting Procedures

• 37 TAC §1.231

The Texas Department of Public Safety proposes new §1.231, concerning protest, dispute resolution, hearings. This section will establish a formal procedure within the department to handle protests of bid procedures or the awarding of contracts on purchases delegated to the department. The department finds it necessary to establish these procedures to formally handle a protest in order to resolve matters through department administration.

Melvin C. Peeples, assistant chief of fiscal affairs, 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.

Charles W. Iselt, chief of fiscal affairs, 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 will be an established method of resolving challenges made by aggrieved parties regarding state procurement procedures. The effect on small businesses cannot be determined at this time. The cost of compliance for small businesses compared to large businesses cannot be determined at this time. The anticipated economic cost to persons who are required to comply with the section as proposed cannot be determined because the department is unable to determine cost to persons which could be based on attorney fees, court costs, travel, and protest preparation time.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The new section is proposed under the Texas Government Code, §411.004(3) and §411.006(4), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have the authority to adopt rules considered necessary for the control of the department.

§1.231. Protest/Dispute Resolution/Hearings.

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract, including, but not limited to, specifications, preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer, may formally protest to the chief of fiscal affairs. Such protests must be submitted in writing within 14 calendar days after such aggrieved person knows or should have known of the occurrence of the action which is protested. Formal protests must conform to the requirements herein and shall be resolved in accordance with the procedure set forth herein. Copies of the protest must be mailed or delivered by the protesting party to all other identifiable interested parties.

(b) A protest is considered filed when received by the chief of fiscal affairs. Protests filed after the 14-day period shall not be considered.

(c) In event of a timely protest under subsection (a) of this section, the Texas Department of Public Safety shall not proceed further with the solicitation or award of the contract until the director, after consultation with the using division, makes a written determination that the award of contract without delay is necessary to protect substantial interest of the state.

(d) A formal protest must contain:

(1) the name and address of the protestor;