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United States Environmental Protection Agency (EPA) to correct certain regulation deficiencies and inconsistencies to ensure compliance with applicable requirements for control and collection systems of volatile organic compounds.

The amendment to §115.10 adds definitions for capture efficiency, capture system, carbon adsorber, carbon adsorption system, control device, and control system. These new definitions will ensure consistency with terminology now used by EPA.

A public hearing was held on July 22, 1991, in Austin. No oral testimony was presented. Written testimony was received from two commenters during the comment period which was extended from July 23 until July 30, 1991.

EPA approved the proposed definitions and suggested that additional definitions may be needed for clarification. The staff is unable to add definitions at this time without conducting an additional public hearing; however, such definitions do not appear to be critical to understanding the concepts at issue in the proposal.

One individual wished to see the definition of capture efficiency changed to read that capture efficiency would be the difference between the percentage of volatile organic compounds entering both the capture system and control device and that leaving the exit vent. Since the proposed definition was made in response to an EPA requirement and contains the exact wording used by EPA, revising the definition could jeopardize EPA approval.

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 the TCAA.

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 October 10, 1991.

TRD-9112621 Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: November 1, 1991

Proposal publication date: July 2, 1991

For further information, please call: (512) 908-1451

Subchapter B. General Volatile Organic Compound Sources

Vent Gas Control

• 31 TAC §115.126, §115.129

The Texas Air Control Board (TACB) adopts amendments to §115.126, concerning recordkeeping requirements and §115.129, concerning counties and compliance schedules, without changes to the proposed text as published in the July 2, 1991, issue of the *Texas Register* (16 TexReg 3676). The amendments satisfy a requirement by the United States Environmental Protection

Agency to correct certain regulation deficiencies and inconsistencies to ensure compliance with applicable requirements for control and collection systems of volatile organic compounds.

The amendment to §115.126 adds an additional reference to provide consistency in maintaining temperature, maintenance, and testing records for facilities required to comply with §115.121(a)(3). The amendment to §115.129 identifies a compliance date for the additional recordkeeping requirements.

A public hearing was held on July 22, 1991, in Austin. No oral testimony was received. One written comment was received during the comment period which was extended from July 23 until July 30, 1991.

The individual remarked that company records should be available for public review, analysis, and assessment and that the records should be kept at some public place for public inspection. Much of the required recordkeeping may involve confidential company information. TACB rules are developed to prevent the misuse of proprietary information while allowing access to data which can be used to determine actual operating parameters. This individual also commented that §115.126(1) could allow a company to use fraudulent data instead of actual inspection data to determine whether control equipment was functioning properly. The staff can not discount that a possibility exists for fraudulent or incorrect data being recorded. However, the staff believes the majority of recordkeeping to be accurate because it is in the facility's best interest to ensure proper operation of control devices for numerous safety, economic, and environmental reasons. TACB also conducts periodic unannounced inspections as well as scheduled formal inspections to ensure company compliance with applicable rules and regulations.

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 the TCAA.

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 October 10, 1991.

TRD-9112600 Lane Hartscock
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Texas Air Control Board

Effective date: November 1, 1991

Proposal publication date: July 2, 1991

For further information, please call: (512) 908-1451

Water Separation

• 31 TAC §115.136, §115.139

The Texas Air Control Board (TACB) adopts amendments to §115.136, concerning recordkeeping requirements and §115.139, concerning counties and compliance schedules, without changes to the proposed text as published in the July 2, 1991, issue of the

Texas Register (16 TexReg 3676). The amendments satisfy a requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies to ensure compliance with applicable requirements for control and collection systems of volatile organic compounds.

The amendment to §115.136 adds a requirement to continuously monitor the exhaust gas temperature immediately downstream of a direct-flame incinerator. The amendment to §115.139 identifies a compliance date for the additional monitoring requirement.

A public hearing was held on July 22, 1991, in Austin. No oral or written testimony was received on this undesignated head during the comment period which was extended from July 23 until July 30, 1991.

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 the TCAA.

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 October 10, 1991.

TRD-9112623 Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: November 1, 1991

Proposal publication date: July 2, 1991

For further information, please call: (512) 908-1451

Subchapter C. Volatile Organic Compound Marketing Operations

Filling of Gasoline Storage Vessels (State I) For Motor Vehicle Fuel Dispensing Facilities

• 31 TAC §115.224, §115.229

The Texas Air Control Board (TACB) adopts amendments to §115.224, concerning inspection requirements and §115.229, concerning counties and compliance schedules, without changes to the proposed text as published in the July 2, 1991, issue of the *Texas Register* (16 TexReg 3676). The amendments satisfy a requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies to ensure compliance with applicable requirements for control and collection systems of volatile organic compounds.

The amendment to §115.224 adds Brazoria and Galveston Counties to the requirement that gasoline tank-trucks be annually inspected for leaks as evidenced by a prominently displayed certification. The amendment to §115.229 identifies a compliance date for the additional inspection requirement.

A public hearing was held on July 22, 1991, in Austin. No oral or written testimony was received on this undesignated head during the comment period which was extended from July 23 until July 30, 1991.

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 the TCAA.

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 October 10, 1991.

TRD-9112624 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: November 1, 1991

Proposal publication date: July 2, 1991

For further information, please call: (512) 908-1451

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Subchapter E. Solvent-Using
Processes

Surface Coating Processes

- 31 TAC §§115.422, 115.423, 115.425, 115.426, 115.429

The Texas Air Control Board (TACB) adopts amendments to §115.422, concerning control requirements; §115.423, concerning alternate control requirements; §115.425, concerning testing requirements; §115.426, concerning recordkeeping requirements; and §115.429, concerning counties and compliance schedules. Sections 115.422, 115.425, and 115.426 are adopted with changes to the proposed text as published in the July 2, 1991, issue of the *Texas Register* (16 TexReg 3676). Section 115.423 and §115.429 are adopted without changes and will not be republished. The amendments sat-

isfy a requirement by the United States Environmental Protection Agency (EPA) to correct certain regulation deficiencies and inconsistencies to ensure compliance with applicable requirements for control and collection systems of volatile organic compounds.

The amendment to §115.422 changes the wording to clarify the intent of the "once in, always in" philosophy adopted during the last change and clarify the reference to counties and compliance schedules. The amendment to §115.423 changes the reference paragraph for capture efficiency testing protocol. The amendment to §115.425 adds additional requirements for capture efficiency compliance testing to be consistent with EPA guidance. The amendment to §115.426 adds a paragraph to explain the additional recordkeeping required by new capture efficiency testing. The amendment to §115.429 adds a new compliance date for new requirements.

A public hearing was held on July 22, 1991, in Austin. No oral testimony was received. Only EPA submitted written testimony during the comment period which was extended from July 23 until July 30, 1991.

In general, EPA stated that additional provisions were necessary for consistency with EPA's model capture efficiency rule. EPA's interpretation of the proposed rules is that they are more stringent than EPA requirements and need additional clarification to determine capture efficiency testing. Specifically, the following three comments were submitted:

Section 115.422 references counties listed in §115.429(2)(A), but no counties are listed in this section. The staff agreed with EPA and changed the reference to reflect §115.429 only.

Section 115.425 does not include any exemptions which are available for sources which install an EPA-approved permanent total enclosure and for sources which use a carbon absorber provided certain restrictions are met. Additionally, the four protocols used to measure capture efficiency should be specifically identified. The staff agreed with EPA

and revised this section to reflect these comments.

Section 115.426(3) does not clearly give a deadline for submittal of capture efficiency test results required by §115.425(4). The staff concurred and added a sentence to clarify that the test results shall be submitted within 60 days after the actual test date. Another sentence was added to clarify that capture efficiency operating parameter records shall be maintained at the facility for a minimum of one year.

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 the TCAA.

§115.422. Control Requirements. For the counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules).

(1) (No change.)

(2) Any surface coating operation that becomes subject to the provisions of §115.421 of this title (relating to Emission Specifications) by exceeding the provisions of §115.427 of this title (relating to Exemptions) shall remain subject to the provisions in §115.421, even if throughput or emissions later fall below exemption limits.

§115.425. Testing Requirements. For the counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules), the following testing requirements shall apply.

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

(4) The capture efficiency shall be measured using applicable procedures outlined in 40 Code of Federal Regulations (CFR), Part 52.741, Subpart O, Appendix B. These procedures are: