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effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable nationwide and satisfaction of a requirement of the FCAA.

Public hearings on this proposal are scheduled for the following times and places: March 4, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; March 4, 1991, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; March 5, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; March 5, 1991, 2 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections 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 March 6, 1991, at the TACB central office will be included in the hearing record.

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

§115.222. Control Requirements. For all affected persons in the counties referenced in §115.229 of this title (relating to Counties and Compliance Schedules), a vapor balance system will be assumed to comply with the specified emission limitation of §115.221 of this title (relating to Emission Specifications) if the following conditions are met:

(1)-(6) (No change.)

(7) the [in Dallas, El Paso, Harris, and Tarrant Counties,] gauge pressure in the tank-truck tank does not exceed 18 inches of water (4.5 kPa) or vacuum exceed six inches of water (1.5 kPa); [and]

(8) [in Dallas, El Paso, Harris, and Tarrant Counties,] no leak, as defined in §115.010 of this title (relating to Definitions), exists from potential leak sources when measured with a combustible gas detector; and[.]

(9) any motor vehicle fuel dispensing facility exempted under the provisions of §115.227 of this title (relating to Exemptions) shall be subject to the provisions of paragraphs (1)-(8) of this section if the exemption limits are exceeded after May 31 1991.

§115.229. Counties and Compliance Schedules. All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, and Tarrant Counties shall be in compliance with this undesignated head concerning filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in accordance with the following schedules.

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991 [February 1, 1990], in accordance with §115.930 of this title (relating to Compliance Dates); and

(2) All persons in Brazoria, Dallas, El Paso, Galveston, Harris, and Tarrant Counties affected by the provisions of 115.222(7), (8), and (9) of this title (relating to Control Requirements) shall be in compliance with this section as soon as practicable but no later than July 31, 1992.

[(2) all persons affected by the provisions of §115.226 of this title (relating to Recordkeeping Requirements) shall be in compliance:

[(A) in Dallas and Tarrant Counties as soon as practicable but no later than August 31, 1990; and

[(B) in Brazoria, El Paso, Galveston, and Harris Counties as soon as practicable but no later than December 31, 1990.]

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 February 4, 1991.

TRD-9101428 Lane Harsock
Director, Planning and
Development Program
Texas Air Control Board

Proposed date of adoption: May 15, 1991

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

Subchapter C. Volatile Organic Compound Marketing Operations

Control of volatile Organic Compound Leaks from Gasoline Tank-Trucks

• 31 TAC §115.239

The Texas Air Control Board (TACB) proposes an amendment to §115.239, concerning control of volatile organic compound leaks from gasoline tank-trucks. The proposed changes have been developed in response to: a general requirement in the 1990 amendments to the Federal Clean Air Act (FCAA) for reasonably available control technology correction; and a specific requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies as part of a nationwide program termed "leveling the playing field."

The proposed revisions to §115.239, concerning counties and compliance schedules, update expired compliance date and add a new compliance date for the additional counties of Brazoria, Galveston, Jefferson, and

Orange now affected by the requirements.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or for small businesses. The anticipated economic cost for persons and businesses that are required to comply with the section as proposed is associated with the leak testing and recordkeeping requirements and is estimated as follows. The annual cost for 1991-1995: per tank-truck is -0- for 1991 and \$500 per year for 1992-1995.

Any costs continuing beyond 1995 would be continuing leak testing and recordkeeping requirements. All estimates are stated in 1991 dollars with no adjustment for inflation.

Les Montgomery, P.E., director of program development, 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 rules which are more uniformly applicable nationwide and satisfaction of a requirement of the FCAA.

Public hearings on this proposal are scheduled for the following times and places: March 4, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; March 4, 1991, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; March 5, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; March 5, 1991, 2 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections 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 March 6, 1991, at the TACB central office will be included in the hearing record.

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

§115.239. Counties and Compliance Schedules. All affected persons in Dallas, El Paso, Harris, and Tarrant Counties shall be in compliance with this undesignated head concerning control of volatile organic compound leaks from gasoline tank-trucks in accordance with all compliance schedules which have expired prior to January 1, 1991 [February 1, 1990], in accordance with §115.930 of this title (relating to Compliance Dates). All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with this undesignated head concerning control of volatile organic compound leak from gasoline tank-trucks as soon as practicable but no later than July 31, 1992.

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 February 4, 1991.

TRD-9101429

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

Proposed date of adoption: May 15, 1991

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

Subchapter D. Petroleum Refining and Petrochemical Processes

Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refiners

• 31 TAC §§115.315, 115.316, 115.319

The Texas Air Control Board (TACB) proposes amendments to §§115.315, 115.316, and 115.319, concerning process unit turnaround and vacuum-producing systems in petroleum refineries. In concurrent action, TACB also proposes to repeal §115.317, concerning exemptions. The proposed changes have been developed in response to: a general requirement in the 1990 amendments to the Federal Clean Air Act (FCAA) for reasonably available control technology correction; and a specific requirement by the United States Environmental Protection Agency to correct certain regulation deficiencies and inconsistencies as part of a nationwide program termed "leveling the playing field."

The proposed changes to §115.315, concerning testing requirements, correct a reference to a federal test method. The proposed changes to §115.316, concerning recordkeeping requirements, add requirements to monitor temperatures at catalytic incinerators or chillers and carbon adsorption systems for breakthrough. The repeal of §115.317, concerning exemptions, proposed elsewhere, involves removal of a 100-pound per day exemption from emissions specification requirements. The proposed revisions to §115.319, concerning counties and compliance schedules, update expired compliance dates and add a new compliance date for new requirements.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there would be no fiscal implications for state and local governments or for small businesses. Economic costs to persons and businesses required to implement the proposed measures are associated with the monitoring and recordkeeping requirements and are estimated as follows.

The annual cost per temperature monitoring unit will be \$50,000 for the years 1992-1995. The annual cost per volatile organic compound monitoring unit will be \$15,000 for the years 1992-1995.

Any costs continuing beyond 1995 would be continuing annual operating, maintenance,

and recordkeeping costs. All estimates are stated in 1991 dollars with no adjustment for inflation and assume continuing costs equal to those incurred during 1992-1995.

Les Montgomery, director of program development, has determined that for each of the first five years the sections as proposed are in effect the public benefit anticipated as a result of implementing the sections will be rules which are more uniformly applicable nationwide and satisfaction of a requirement of the FCAA.

Public hearings on this proposal are scheduled for the following times and places: March 4, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; March 4, 1991, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; March 5, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; March 5, 1991, 2 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections 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 March 6, 1991, at the TACB central office will be included in the hearing record.

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

§115.315. Testing Requirements. For all affected persons in the counties referenced in §115.319 of this title (relating to Counties and Compliance Schedules), compliance with §115.311 of this title (relating to Emission Specifications) and §115.312 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) (No change.)

(2) additional control device requirements for flares described in 40 Code of Federal Regulations 60.18(f) [(F)];

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

§115.316. Recordkeeping Requirements. For all affected persons in the counties referenced in §115.319 of this title (relating to Counties and Compliance Schedule), the following recordkeeping requirement shall apply.

(1) Any person who operates a vacuum-producing system affected by §115.311 of this title (relating to Emission Specifications) shall keep the following records:

(A) the exhaust gas temperature immediately downstream of a direct-flame incinerator; [and]

(B) continuous monitoring of temperatures upstream and downstream of a catalytic incinerator or chiller;

(C) the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough; and

(D)[(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 (VOC) emissions during such activities.

(2)-(4) (No change.)

§115.319. Counties and Compliance Schedules. All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head concerning process unit turnaround and vacuum-producing systems in petroleum refineries in accordance with the following schedules.

(1) all compliance schedules which have expired prior to January 1, 1991 [February 1, 1990], in accordance with §115.930 of this title (relating to Compliance Dates); and

(2) all persons in Brazoria, El Paso, Galveston, or Harris Counties affected by the provisions of §115.316(1)(B) and (C) of this title (relating to Recordkeeping Requirements), and §115.317 of this title (relating to Exemptions) shall be in compliance with these sections [this section] as soon as practicable but no later than July 31, 1992 [December 31, 1990].

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 February 4, 1991.

TRD-9101430

Lane Hartsock
Director, Planning
Development Program
Texas Air Control Board

Earliest proposed date of adoption: May 15, 1991

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

31 TAC §115.317

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)