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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.)*

The Texas Air Control Board (TACB) proposes to repeal §115.317, concerning process unit turnaround and vacuum-producing systems in petroleum refineries. In concurrent action, TACB is also proposing amendments to §§115.315, 115.316, and 115.319. The proposed change has 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 repeal of §115.317, concerning exemptions, involves removal of the 100-pound per day exemption from emission specification requirements.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the repeal is 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 abatement, operating, monitoring, and recordkeeping requirements and are estimated as follows.

The annual cost per affected unit will be in 1992; \$200,000-500,000, in 1993; \$25,000-35,000, in 1994; \$25,000-35,000 and in 1995; \$25,000-35,000.

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 to those incurred during 1992-1995.

Les Montgomery, director of program development, has determined that for each of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of implementing the repeal 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 repeal is proposed under the Texas Clean Air Act (TCAA), §382.107, the Texas Health and Safety Code, (Vernon, 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### §115.317. Exemptions.

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 January 4, 1991.

TRD-9101431

Lane Hartscock  
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

### Fugitive Emission Control in Petroleum Refineries

#### •31 TAC §§115.322, 115.324, 115.325, 115.327, 115.329

The Texas Air Control Board (TACB) proposes amendments to §§115.322, 115.324, 115.325, 115.327, and 115.329, concerning fugitive emission control in petroleum refineries. 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 §115.322, concerning control requirements, add a clarification for valve closing during maintenance operations. The proposed changes to §115.324, concerning inspection requirements, increase the frequency of pump seal and liquid service pipeline valves from annual to quarterly. The proposed changes to §115.325, concerning testing requirements, replace the reference to "actual operating temperature" with a specific temperature. The revisions to §115.327, concerning exemptions, eliminate the exemption for two-inch valves and lower the exemption level on liquid vapor pressure. The proposed changes to §115.329, concerning counties and compliance schedules, update expired compliance date 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 proposed sections are 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 sections as proposed is associated with the fugitive monitoring and recordkeeping requirements and is estimated as follows. The annual cost for 1991-1995: per affected component per required monitoring incident is -0- for 1991 and \$1.00 per year for 1992-1995.

Any costs continuing beyond 1995 would be continuing monitoring and recordkeeping costs. 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 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.

**§115.322. Control Requirements.** For the counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules), no person shall operate a petroleum refinery, as defined in §115.010 of this title (relating to Definitions), without complying with the following requirements.

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

(4) Except for safety pressure relief valves, no valves shall be installed or operated at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken or during maintenance operations, and when closing the line, the upstream valve shall be closed first.

(5) (No change.)

**§115.324. Inspection Requirements.** For the counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules), the owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(1) measure yearly (with a hydrocarbon gas analyzer) the emissions from all:

[(A) pump seals;]

[(B) pipeline valves in liquid service;]