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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.

§115.512. Control Requirements. For persons in the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules), the following control requirements shall apply.

(1)-(2) (No change.)

(3) No person shall allow the use, application, sale, or offer for sale of cutback asphalt containing VOC solvents for paving roadways, driveways, or parking lots in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties during the period from April 16 to September 15 of any year.

(4) (No change.)

§115.519. Counties and Compliance Schedules. All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Tarrant Counties shall be in compliance with this undesignated head (concerning to cutback asphalt in accordance with all compliance schedule which have expired prior to January 1, 1991 [February 1, 1990], in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties affected by §115.512(4) of this title (relating to Control Requirements) shall be in compliance as soon as practicable but no later than April 16, 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-9101438 Lane Hartsack
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

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Pharmaceutical Manufacturing Facilities

• 31 TAC §§115.532, 115.536, 115.537, 115.539

The Texas Air Control Board (TACB) proposes amendments to §§115.532, 115.536, 115.537, and 115.539, concerning pharmaceutical manufacturing facilities. 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 corrections; 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 §115.532, concerning control requirements, involves a provision stating that if exemption limit are exceeded after May 31, 1991, requirements of this section become applicable. The proposed changes to §115.536, concerning recordkeeping requirements, add a requirement to monitor carbon adsorption systems for breakthrough. The proposed revision to §115.537, concerning exemptions, involves lowering the exemption level for Dallas, El Paso, and Tarrant Counties. The proposed revision to §115.539, 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 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 monitoring and recordkeeping requirements and is estimated as follows. The annual cost for 1991-1995: per volatile organic compound monitoring unit is -0- for 1991 and \$15,000 per year for 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, 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, 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.

§115.532. Control Requirements. For the counties referenced in §115.539 of this title (relating to Counties and Compliance

Schedules), the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

(1)-(4) (No change.)

(5) **Pharmaceutical manufacturing facility.** Any pharmaceutical manufacturing facility exempted under the provisions of §115.537 of this title (relating to Exemptions) shall be subject to the provisions of paragraphs (1)-(4) of this section if the exemption limits are exceeded after May 31, 1991.

§115.536. Recordkeeping Requirements. For the counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules), the following recordkeeping requirements shall apply.

(1) (No change.)

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531 of this title (relating to Emission Specifications) or §115.532 of this title (relating to Control Requirements) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, such as:

(i) (No change.)

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

(iii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month; or

(iv) the daily emission rate of VOC from the control device;

(B) (No change.)

(3)-(5) (No change.)

§115.537. Exemptions. For the counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1)-(4) (No change.)

(5) Any facility on the property in Brazoria, [Dallas, El Paso,] Galveston, Gregg, Jefferson, Nueces, Orange, [Tarrant,] or Victoria Counties which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531 of this title (relating to Emission Specifications) and §115.532 of this title (relating to Control Requirements).

(6) Any individual unit [facility] located in Dallas, El Paso, Harris, or Tarrant Counties [County] which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531 of this title (relating to Emission Specifications) and §115.532 of this title (relating to Control Requirements).

§115.539. 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 pharmaceutical manufacturing 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).

(2) All persons in Dallas, El Paso and Tarrant Counties affected by the provisions of §115.532(5) of this title (relating to Control Requirements), §115.536(2)(A)(II) of this title (relating to Recordkeeping Requirements) and §115.537(6) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable but no later than July 31 1992.

((2) All persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, or Tarrant Counties affected

by the provisions of §115.536 of this title (relating to Recordkeeping Requirements) shall be in compliance with this section 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-9101439

Lane Hartsok
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

