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(A) (No change.)

(B) Compliance with subparagraph (A) of this paragraph shall be determined by applying the following test methods, as appropriate:

(i) (No change.)

(ii) equivalent test method approved by the executive director and the EPA.

(7)(5) Structures.

(A) (No change.)

(B) Compliance with subparagraph (A) of this paragraph shall be determined by applying the following test methods, as appropriate:

(i) (No change.)

(ii) equivalent test method approved by the executive director and the EPA.

(8)(6) Other sources.

(A) (No change.)

(B) Compliance with subparagraph (A) of this paragraph shall be determined by applying the following test methods, as appropriate:

(i) (No change.)

(ii) equivalent test method approved by the executive director and the EPA.

(b)-(c) (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 April 17, 1992.

TRD-9205474 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: July 17, 1992

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



Chapter 112. Control of Air Pollution from Sulfur Compounds

Control of Sulfur Dioxide

- 31 TAC §§112.1-112.14, 112.16-112.20

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the

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

The Texas Air Control Board (TACB) proposes the repeal of §§112.1-112.14 and §§112.16-112.20, concerning control of sulfur dioxide. In concurrent action, the TACB is proposing new §§112.1-112.22, concerning control of sulfur dioxide. The repeals delete provisions which are obsolete or incompatible with new federal requirements. The concurrently-proposed new sections will contain substantial changes to the texts of some existing sections and will include some renumbering of sections. The provisions of the new sections will simplify allowable emissions calculations, combine similar requirements of the repealed sections, and meet federal requirements for continuous emissions monitoring and rule enforceability. In some cases, the content of a new section may be similar or identical to an existing section being repealed. For example, only the section number is proposed for change in the existing §112.5.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Hartsock also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the removal of obsolete language and the replacement of old language with improved provisions which meet federal requirements. There will be no costs to small businesses or persons as a result of the repeals.

A public hearing on this proposal will be held at 6 p.m. on May 21, 1992 in the City of Houston Pollution Control Building Auditorium located at 7411 Park Place Boulevard, Houston. A second hearing will be held at 11 a.m. on May 22, 1992, at the John Gray Institute, 855 Florida Avenue, Beaumont. The hearings are structured for the receipt of oral and written comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal at 5:30 p.m., before the Houston hearing, and at 10:30 a.m., before the Beaumont hearing, and will be available to answer questions. Written comments not presented at the hearings may be submitted to the TACB central office in Austin through May 25, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed section. Copies of the proposal are available at the central office of the TACB, Air Quality Planning Annex, located at 12118 North IH35, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Mr. Robert B. Cameron at (512) 908-1495.

The repeals 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.

§112.1. Allowable Rates—Elemental Sulfur.

§112.2. Allowable Rates—Sulfuric Acid Plant.

§112.3. Allowable Rates—Sulfur Recovery Plant.

§112.4. Allowable Rates—Nonferrous Smelters.

§112.5. Allowable emissions from Solid Fossil Fuel-Fired Steam Generators.

§112.6. Allowable Rates—Liquid Fuel-Fired Steam Generator.

§112.7. Net Ground Level Concentration—Galveston and Harris Counties.

§112.8. Net Ground Level Concentration—Jefferson and Orange Counties.

§112.9. Net Ground Level Concentration—Exemption Conditions.

§112.10. Executive Director May Set Rules.

§112.11. Temporary Fuel Shortage Plan Filing Requirements.

§112.12. Temporary Fuel Shortage Plan Operating Requirements.

§112.13. Temporary Fuel Shortage Plan Notification Procedures.

§112.14. Temporary Fuel Shortage Plan Reporting Requirements.

§112.16. Nonferrous Smelter Processes.

§112.17. Application for Area Control Plan.

§112.18. Exemption Procedure.

§112.19. Allowable Emissions Under Area Control Plan.

§112.20. Compliance Deadlines.

§112.10. Executive Director May Set Rules.

§112.11. Temporary Fuel Shortage Plan Filing Requirements.

§112.12. Temporary Fuel Shortage Plan Operating Requirements.

§112.13. Temporary Fuel Shortage Plan Notification Procedures.

§112.14. Temporary Fuel Shortage Plan Reporting Requirements.

§112.16. Nonferrous Smelter Processes.

§112.17. Application for Area Control Plan.

§112.18. Exemption Procedure.

§112.19. Allowable Emissions Under Area Control Plan.

§112.20. Compliance Deadlines.

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 April 17, 1992.

TRD-9205473 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: July 17, 1992

For further information, please call: (512)
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◆ ◆ ◆
• 31 TAC §§112.1-112.22

The Texas Air Control Board (TACB) proposes new §§112.1-112.22, concerning control of sulfur dioxide, to replace existing sections being repealed in concurrent rulemaking. The new sections are proposed, in part, to meet U.S. Environmental Protection Agency (EPA) requirements for the installation of continuous emissions monitoring systems (CEMS). Also, the proposed sections combine similar requirements from some existing sections, remove obsolete language, and simplify the organization of the undesignated head concerning control of sulfur dioxide.

Section 112.1, concerning definitions, adds definitions for continuous monitoring, effective stack height, short stack reduction factor, secondary metal recovery facility, and instack concentration. Calculations of emission limits are also improved by substituting equations for graphs and tables which are subject to misreading. Section 112.2, concerning monitoring systems, establishes new requirements for the installation of CEMS in response to federal guidance. Section 112.3, concerning ground level concentrations and national ambient air quality standards (NAAQS), replaces obsolete language, combines similar requirements from the repealed sections, and adds requirements for NAAQS compliance and reporting. Section 112.4, concerning net ground level concentrations-exemption conditions, clarifies the executive director's authority in granting exemptions as required by federal guidance for state implementation plan (SIP) enforcement.

Section 112.5, concerning allowable rates-sulfuric acid plants burning elemental sulfur, establishes emission limits and contains language to strengthen the TACB's ability to enforce the limits in response to federal guidance on SIP enforcement. The new §112.5 also contains provisions previously found in §112.1. Section 112.6, concerning allowable rates-sulfuric acid plants, and the new §112.7, concerning allowable rates-sulfur recovery plants, specify equations to simplify calculations of emission limits and contain language to strengthen the rules by specifying emission averaging times. These sections were previously numbered §112.2 and §112.3, respectively.

The proposed §112.8, concerning allowable emissions from solid fossil-fired steam generators, is identical to the existing §112.5, except that it has a new section number. No changes to the text of this section are proposed. The proposed new §112.9, which is somewhat similar to the existing §112.6, changes the section title to allowable rates-combustion of liquid fuel, establishes emission limits, specifies a three-hour averaging time limit for determining emissions, tightens emission standards for Galveston, Harris, Jefferson, and Orange Counties, and simplifies emission calculations. Also, a paragraph is included to specify compliance methods. No changes are proposed to subsection (d) of the existing §112.6 which is included in the new §112.9.

Section 112.10, concerning allowable rates-fluid catalytic cracking units, establishes allowable rates and methods for determination of compliance. Sections 112.11, 112.12, and 112.13, concerning allowable rates-catalyst recovery and catalyst metal reclamation plants, allowable rates-carbon black plants, and allowable rates-refinery fuel gas combustion units, respectively, establish allowable rates and compliance determination methods for affected sources. Section 112.14, concerning nonferrous smelter processes, establishes emission limits and averaging times, contains an emission table, and adds language to the existing §112.4 to strengthen the ability of the TACB to enforce its provisions.

The proposed new §112.15, concerning temporary fuel shortage plan filing requirements, is similar to the existing §112.11 with the addition of a paragraph which requires the executive director's approval of any operations under a fuel shortage plan. Section 112.16, concerning temporary fuel shortage plan operating requirements, is similar to the existing §112.12 with the addition of language which requires the approval of the executive director and EPA of a fuel shortage operating plan. Also, the text is reorganized to more clearly present its requirements.

Sections 112.17 and 112.18, concerning temporary fuel shortage plan notification procedures and temporary fuel shortage plan reporting requirements, respectively, add language to change reference citations to reflect the reorganization of the sulfur dioxide rules. The proposed new §112.19, concerning application for area control plan, adds language requiring a petition from an applicant for an area control plan to be filed with the executive

director prior to consideration of such a plan, and changes reference citations. These rules were previously numbered §§112.13, 112.14, and 112.17, respectively.

The proposed new §112.20, concerning exemption procedure, is similar to the existing §112.18 and contains new reference citations to be consistent with the new section numbers. The proposed new §112.21, concerning allowable emissions under area control plan, adds language changing averaging periods for emissions from three hours to one hour and changes reference citations found in the existing §112.19. The proposed new §112.22, concerning compliance schedule, is a renumbered version of the existing §112.20 with expired compliance dates deleted and new monitoring compliance schedules included.

Lane Hartssock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the fiscal implications for state and local units of government as a result of enforcing the proposed sections would be some minor expenses for record review and enforcement. Facilities required to implement the proposed measures will have costs associated with installation, operation, monitoring, and recordkeeping for each CEM unit, estimated as follows: for annual cost per sulfur dioxide measuring device—\$114,000 for fiscal year 1993 and \$70,000 for fiscal years 1994-1997.

The procedure for the cost analysis is based upon the Emission Measurement Technical Information Center CEM Cost Model Program, Version 2.0 under EPA Contract Number 68D9005, Work Assignment Number 49 by Entropy Environmentalists, Incorporated. Any costs incurred beyond 1997 would be continuing annual operation, maintenance, and recordkeeping expenses. All estimates are stated in 1992 dollars with no adjustment for inflation.

Mr. Hartssock also 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 reduced emissions due to increased control of affected sources. There are no anticipated costs to small businesses or persons as a result of administering the sections as proposed.

A public hearing on this proposal will be held at 6 p.m. on May 21, 1992, in the City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston. A second hearing will be held at 11 a.m. on May 22, 1992, at the John Gray Institute, 855 Florida Avenue, Beaumont. The hearings are structured for the receipt of oral and written comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal at 5:30 p.m., before the Houston hearing, and at 10:30 a.m., before the Beaumont hearing, and will be available to answer questions.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through May 25, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on

the proposed section. Copies of the proposal are available at the central office of the TACB, Air Quality Planning Annex, located at 12118 North IH 35, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Mr. Robert B. Cameron at (512) 908-1495.

The new sections 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.

§112.1. 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 the TCAA, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Continuous monitoring—Sampling, analyzing, and recording at least one measurement of sulfur dioxide concentration in each 15-minute period from the effluent of each affected process or the emission control system serving each affected process.
Effective stack height—A value in feet calculated by the following equation:

$$He = H + 0.083 Ve De \left[1.5 + 0.82 \left(\frac{Te - 550}{Te} \right) De \right]$$

Where:

He = Effective stack height in feet

H = Physical stack height above ground level in feet

Ve = Stack exit velocity in feet per second

De = Stack exit inside diameter in feet

Te = Stack exit temperature in degrees Rankine

Instack concentration—The concentrations inside the stack measured in parts per million by volume (ppmv) referenced at 0% stack gas oxygen on a dry basis averaged over a period of one hour, with oxygen determined by the equation:

$$Ci = 20.9 Cx (20.9 - Co)$$

Where:

Ci = in stack pollutant concentration corrected for 0% oxygen in ppmv

20.9 = % of oxygen in the air

Cx = pollutant

Co = % dry oxygen measured in the stack

Secondary metal recovery facility—A facility which recovers metals and alloys from new and used scrap and dross. It does not mean assembling, sorting, and breaking up scrap metal, without smelting and refining.

Short stack reduction factor—The factor by which the allowable emission rate must be multiplied if the source has an effective stack height less than the standard effective stack height. The short stack reduction factor is calculated by the following equation:

$$\text{Short stack reduction factor} = \left(\frac{H_e}{H_s} \right)^2$$

Where:

H_e = Effective stack height

H_s = Standard effective stack height

§112.2. Monitoring Systems.

(a) Beginning March 1, 1994, no person shall cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from the following sources unless the source is equipped with a continuous emissions monitoring system (CEMS) for SO₂. The CEMS shall be installed, calibrated, and operated as specified in 40 Code of Federal Regulations (CFR) 51, Appendix P, and shall meet the performance specifications of 40 CFR 60, Appendix B, Specification 2.

(1) Fossil fuel-fired steam generators of greater than 250 million Btu heat input per hour which are equipped with SO₂ control equipment.

(2) Sulfuric acid plants of greater than 300 tons per day production capacity, with production being expressed as 100% acid.

(b) Facilities governed by §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards), §112.10 of this title (relating to Allowable Rates-Fluid Catalytic Cracking Units), §112.11 of this title (relating to Allowable Rates-Catalyst Recovery and Catalyst Metal Reclamation Plants), §112.12 of this title (relating to Allowable Rates-Carbon Black Plants), and §112.13 of this title (relating to Allowable Rates-Refinery Fuel Gas Combustion Units), which are required to install a CEMS or a fuel sampling analysis system shall propose to the executive director of the Texas Air Control Board (TACB) a plan for monitoring emissions or for fuel sampling analysis in accordance with the applicable instructions in §101.8 of this title (relating to Sampling). Upon approval of that plan, installation and operation may begin.

(c) Facilities subject to §112.5 of this title (relating to Allowable Rates-Sulfuric Acid Plant Burning Elemental Sulfur), §112.6 of this title (relating to Allow-

able Rates-Sulfuric Acid Plant), §112.7 of this title (relating to Allowable Rates-Sulfur Recovery Plants), §112.8 and §112.9 of this title (relating to Allowable Emissions from Solid Fossil Fuel-Fired Steam Generators and Allowable Rates-Combustion of Liquid Fuel), and §112.14 of this title (relating to Nonferrous Smelter Processes), which are required to install a CEMS shall inform the executive director of the proposed CEMS installation and operation schedule in accordance with the requirements in the applicable rule.

(d) Initial compliance with SO₂ emission limits specified in this undesignated head shall be determined by Method 6 referenced in 40 CFR 60, Appendix A.

§112.3. Ground Level Concentrations and National Ambient Air Quality Standards.

(a) Except as specified in subsections (b) or (c) of this section or §112.4 of this title (relating to Net Ground Level Concentration-Exemption Conditions for El Paso County), no person in the State of Texas may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed an ambient ground level concentration of 0.4 parts per million by volume (ppmv) averaged over any 30-minute period.

(b) No person in Galveston or Harris Counties may cause, suffer, allow, or permit emissions of SO₂ from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed a net ground level concentration of 0.28 ppmv averaged over any 30-minute period.

(c) No person in Jefferson or Orange Counties may cause, suffer, allow, or permit emissions of SO₂ from a source or sources operated on a property or multiple sources operated on contiguous properties

to exceed a net ground level concentration of 0.32 ppmv averaged over any 30-minute period.

(d) No person may cause, suffer, allow, or permit emissions from any source to cause or contribute to a condition such that the ambient concentration on the property line or beyond exceeds either the primary or the secondary SO₂ national ambient air quality standards (NAAQS), as defined in 40 Code of Federal Regulations (CFR) 50.4 and 50.5, hereby incorporated by reference.

(e) Sources which emit more than 100 tons per year of SO₂ shall demonstrate compliance with subsection (d) of this section, with allowable emissions permitted by a prevention of significant deterioration/new source review or state permit, and with any other applicable rules. If a continuous monitoring system is not specified in this chapter, then, the selected method of compliance determination shall be approved by the executive director and by the U.S. Environmental Protection Agency prior to the compliance date established in §112.22 of this title (relating to Compliance Schedules). Compliance using continuous emissions monitoring systems or fuel sampling shall meet the following specifications.

(1) A continuous emissions monitoring system, as specified in §112.2 of this title (relating to Monitoring Systems), shall continuously calculate and report SO₂ mass emission rates or SO₂ concentrations in ppmv and/or micrograms per cubic meter in the stack averaged over three-hour, 24-hour, and annual sampling periods, and compare those emissions to the maximum allowable emissions in the stack.

(2) Fuel sampling shall calculate the concentration of SO₂ in the stack by measuring the amount of sulfur in the material to be burned and compare those emissions to the maximum allowed emissions in the stack.

(f) Exceedances of the limits specified in subsections (a)-(c) of this section and/or predicted exceedances of the NAAQS, as determined under the requirements of §101.8(a) of this title (relating to Sampling), shall be reported to the appropriate regional office of TACB, pursuant to §101.8 of this title. Records of the compliance status and emissions exceedances shall be maintained on site for two years and shall be available for inspection by federal, state, or local air pollution control agencies.

§112.4. Net Ground Level Concentration-Exemption Conditions for El Paso County. The executive director, in consideration of a request from an affected party, may find that, a property or contiguous properties in El Paso County are exempt from the requirements of section §112.3(a)

$$E = 0.01983 q$$

Where:

E = allowable emission rate in pounds per hour

q = stack effluent flow rate in standard cubic feet
per minute (scfm)

(b) If a source has an effective stack height less than the standard effective stack height determined by the equation:

$$H_e = 0.885 q^{0.5}$$

Where:

H_e = standard effective stack height in feet

q = stack effluent flow rate in scfm

of this title, (relating to concerning Ground Level Concentrations and National Ambient Air Quality Standards), if the new or modified emission source is constructed and operated on such property or properties under all the following conditions.

(1) The construction and operation of the new or modified emission source meets all applicable federal new source performance standards and uses best available control technology, with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions from the facility.

(2) There is adequate demonstration (approved by the U.S. Environmental Protection Agency) that the construction and operation of the new or modified emission source does not cause or contribute to a

condition such that either the primary or the secondary sulfur dioxide air quality standards are exceeded in the area.

(3) Those sources proposed for an exempt property and those sources existing on an exempt property prior to the effective date of this section shall be in compliance with this section or with an area control plan obtained pursuant to §112.19 of this title (relating to Application for Area Control Plan).

§112.5. Allowable Rates-Sulfuric Acid Plant Burning Elemental Sulfur.

(a) No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any sulfuric acid plant burning elemental sulfur to exceed the emission limits specified by the equation:

(c) Compliance with the limitations in subsections (a) and (b) of this section, as well as with the ground level concentrations in §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (re-

lating to Sampling) and 40 Code of Federal Regulations 60.646 (relating to Sulfur Dioxide and Oxygen Continuous Emissions Monitoring System).

§112.6. Allowable Rates-Sulfuric Acid Plant.

(a) Except as provided in §112.5 of this title (relating to Allowable Rates-

Sulfuric Acid Plant Burning Elemental Sulfur) and in §112.14 of this title (relating to Nonferrous Smelter Processes), no person may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from any sulfuric acid plant to exceed the emission limits specified by the equation:

$$E = 0.0347 q$$

Where:

E = allowable emission rate in pounds per hour

q = stack effluent rate in standard cubic feet per minute (scfm)

(b) If a source has an effective stack height less than the standard effective stack height determined by the equation:

$$H_e = 1.17 q^{0.5}$$

Where:

He = standard effective stack height in feet

q = the stack effluent flow rate in scfm

(c) Beginning January 1, 1997, no person may cause, suffer, allow, or permit emissions of SO₂ from any sulfuric acid plant in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to exceed the rate of 4.0 pounds of SO₂ per ton of 100% sulfuric acid produced.

(d) Compliance with the limitations in subsections (a), (b), and (c) of this

section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling) and 40 Code of Federal Regulations 60.646 (relating to Sulfur Dioxide and Oxygen Continuous Emissions Monitoring System).

§112.7. Allowable Rates-Sulfur Recovery Plant.

(a) No person may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from any sulfur recovery plant to exceed the emission limits specified for stack effluent flow rates less than or equal to 4,000 standard cubic feet per minute (scfm) as determined by the equation:

$$E = 123.4 + 0.091 q$$

and the emission limits, specified for stack effluent flow rates in excess of 4,000 scfm, as determined by the equation:

$$E = 0.614 q^{0.8042}$$

Where:

E = allowable emission rate in pounds per hour

q = stack effluent flow rate in scfm

(D) If a source has an effective stack height less than the standard effective stack height determined for stack effluent rates less than or equal to 4,000 scfm by the equation:

$$H_e = 7.4 (123.4 + 0.091 q)^{0.5}$$

and determined for stack effluent rates greater than 4,000 scfm, by the equation:

$$H_e = 5.8 q^{0.402}$$

Where:

H_e = standard effective stack height in feet

q = stack effluent flow rate in scfm

(c) Beginning January 1, 1997, no person may cause, suffer, allow, or permit emissions of SO₂ from any sulfur recovery plant in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to exceed 250 parts per million by volume (ppmv), as averaged over a three-hour period, nor the emission of total reduced sulfur from a plant to exceed 300 ppmv, as averaged over a three-hour period.

(d) Compliance with the limits in subsections (a)-(d) of this section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling) and 40 Code of Federal Regulations 60.646 (relating to Sulfur Dioxide and Oxygen Continuous Emission Monitoring System).

§112.8. Allowable Emissions from Solid Fossil Fuel-Fired Steam Generators.

(a) Except as provided in subsection (b) of this section, no person may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from any solid fossil fuel-fired steam generator to exceed 3.0 pounds per million Btu (MMBtu) heat input.

(b) No person may cause, suffer, allow, or permit emissions of SO₂ from any solid fossil fuel-fired steam generator located in Milam County, which began operation prior to January 1, 1955, to exceed 4.0 pounds per MMBtu heat input.

(c) Units having a design heat input of greater than 1,500 MMBtu per hour and, which on January 1, 1991, were not subject to new source performance standards, shall meet one of the following requirements:

(1) after July 31, 1996, no person may cause, suffer, allow, or permit emissions of SO₂ from any solid fossil fuel-fired steam generator to exceed 1.2 pounds per MMBtu heat input or an equivalent in total allowable annual site emissions; or

(2) the owner/operator of the unit(s) shall fund and support a research study of winter atmospheric haze, also known as "white haze," in the Dallas-Fort Worth (DFW) area, to be completed by July 31, 1996. Within 90 days from the effective date of this rule, the owner/operator shall submit a formal proposal for this study designed to allow successful completion of this study by the date specified previously. The proposal shall include milestone dates, the study's general approach and objectives, and shall include minimum and maximum

financial responsibilities on the part of the owner/operator. The Texas Air Control Board (TACB) executive director shall approve or reject the study within 120 days from date of the proposal submittal. The TACB shall base its approval or rejection on the technical merits and adequacy of approach to the research study. Should the proposal be rejected, an extension not to exceed 60 days for renegotiation may be granted at the discretion of the executive director. Should this extension expire without proposal approval, then subsection (c)(1) shall apply. Following such approval, the study shall be directed by a steering committee selected by TACB in consultation with the owner/operator of the unit(s) and shall be controlled, comprehensive, state-of-the-art, and quality-assured. The steering committee shall define the scope of the study and establish appropriate milestones to assure completion of the study by July 31, 1996. The study shall be designed to demonstrate conclusively whether or not a reduction of SO₂ emissions from the affected unit(s) to 1.2 pounds per MMBtu will significantly improve winter visibility in the DFW area. No later than October 31, 1996, TACB shall make a finding based on the study as follows, either:

(A) that reductions of SO₂ emissions from the affected unit(s), as defined in subsection (c) of this section, will significantly improve winter visibility in the DFW area. If such finding is made, then the affected unit(s) shall achieve compliance with a SO₂ emission limit of 1.2 pounds per MMBtu or an equivalent in total allowable annual site emissions by July 31, 2000; or

(B) that reductions of SO₂ emissions from the affected unit(s), as defined in subsection (c) of this section, will not significantly improve winter visibility in the DFW area. If such a finding is made or if TACB cannot make a

finding on the basis of the study by October 31, 1996, then the affected unit(s) shall maintain compliance with subsection (a) of this section.

§112.9. Allowable Rates-Combustion of Liquid Fuel.

(a) No person may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) from any liquid fuel-fired steam generator, furnace, or heater to exceed 440 parts per million by volume (ppmv) at actual stack conditions and averaged over a three-hour period. Beginning January 1, 1994, the allowable emissions shall not exceed 350 ppmv as averaged over

a three-hour period at actual stack conditions.

(b) Beginning January 1 of the years specified as follows, no person may cause, suffer, allow, or permit emissions of SO₂ from any liquid fuel-fired steam generator, furnace, or heater in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties, to exceed the rates shown, as averaged over three hours: 1992-150 ppmv; 1996 50 ppmv.

(c) If a source has an effective stack height less than the standard effective stack height as determined from the equation:

$$He = 0.49 q^{0.50}$$

Where:

He = standard effective stack height in feet

q = stack effluent flow rate in standard cubic feet per minute

(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 of SO₂ from any liquid fuel-fired steam generator, furnace, or heater to exceed 150 ppm, by volume, as calculated based on 20% excess air. The requirements of this subsection are not intended to apply to sulfuric acid plants.

(e) Compliance with the limits in subsections (a)-(d) of this section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling) and 40 Code of Federal Regulations (CFR) 60.45 (relating to Sulfur Dioxide and Oxygen Continuous Emission Monitoring System (CEMS)). In lieu of a CEMS, and with prior approval of the executive director, fuel sampling using the procedures identified in 40 CFR 60.47a and 40 CFR 60.17 (relating to Fuel Sampling Analysis) may be used to establish compliance.

§112.10. Allowable Rates-Fluid Catalytic Cracking Units.

(a) No person may cause, suffer,

allow, or permit emissions from any fluid catalytic cracking unit in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to exceed 300 parts per million by volume of sulfur dioxide as averaged over a three-hour period under actual stack conditions.

(b) Compliance with the limits in subsection (a) of this section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling). In lieu of a continuous emissions monitoring system, and with prior approval of the executive director, fuel sampling using the procedures identified in 40 Code of Federal Regulations (CFR) 60.47a and 40 CFR 60.17 (relating to Fuel Sampling Analysis) may be used to establish compliance.

§112.11. Allowable Rates-Catalyst Recovery and Catalyst Metal Reclamation Plants.

(a) No person may cause, suffer, allow, or permit emissions from any catalyst recovery or catalyst metal reclamation plant in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to exceed 300 parts per million by volume of sulfur dioxide as averaged over a three-hour period under actual stack conditions.

(b) Compliance with the limits in subsection (a) of this section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 (relating to Sampling). In lieu of a continuous emissions monitoring system, and with prior approval of the executive director, fuel sampling using the procedures identified in 40 Code of Federal Regulation (CFR) 60.47a and 40 CFR 60.17 (relating to Fuel Sampling Analysis) may be used to establish compliance.

§112.12. Allowable Rates-Carbon Black Plants.

(a) No person may cause, suffer, allow, or permit emissions from any carbon black plant in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to be released without first having been incinerated at such a temperature and duration so that no sulfur compounds, except sulfur dioxide (SO₂), are emitted. SO₂ concentrations shall not exceed 300 parts per million by volume, as averaged over a three-hour period under actual stack conditions.

(b) Compliance with the limits in subsection (a) of this section and §112.3 of this title (relating to Ground Level Concen-

trations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 (relating to Sampling). In lieu of a continuous emissions monitoring system, and with prior approval of the executive director, fuel sampling using the procedures identified in 40 Code of Federal Regulation (CFR) 60.47a and 40 CFR 60.17 (relating to Fuel Sampling Analysis) may be used to establish compliance.

§112.13. Allowable Rates-Refinery Fuel Gas Combustion Units.

(a) Beginning January 1, 1994, no person may cause, suffer, allow, or permit the concentration of total sulfur in fuel gas

feed to any refinery fuel gas combustion units in, or within 30 miles of, Galveston, Harris, Jefferson, or Orange Counties to exceed 1.5 grains per 100 dry standard cubic feet as averaged over a three-hour period.

(b) Compliance with the limits in subsection (a) of this section and §112.3 of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards) shall be demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling). In lieu of a continuous emissions monitoring system, with prior approval of the executive director, fuel sampling using the procedures identified in 40 Code of Federal Regulation (CFR) 60.47a and 40

CFR 60.17 (relating to Fuel Sampling Analysis) may be used to establish compliance.

§112.14. Nonferrous Smelter Processes.

(a) This section is applicable to all processes in nonferrous smelters, including, but not limited to, roasters, smelting furnaces, converters, sintering machines, blast furnaces, fuming furnaces, retorts, slag treatment plants, and sulfuric acid plants.

(b) No person may cause, suffer, allow, or permit emissions of sulfur dioxide (SO₂) to the atmosphere from any process as specified in this section to exceed the applicable concentration of SO₂ as follows:

	SO ₂ Parts Per Million by Volume (ppmv) Maximum	
	Two-Hour Average	Three-Hour Average
(1) Primary Copper Smelter (all processes)		650
(2) Primary Zinc Smelter	1,000	
(3) Primary Lead Smelter		
(A) Sinter Machine Discharge End (provided gases do not pass through Sinter bed),	2,500	
(B) Sinter Handling Equip- ment Emission Collect- ing Systems	2,500	
(C) All Other Processes	650	
(4) Other Primary Smelter	2,500	
(5) Secondary Metal Recovery Facility	3,500	
(6) Sulfuric Acid Plant		650

(c) Each stack or emission point in a primary smelter or secondary metal recovery facility shall have a standard effective stack height not less than that determined by the equation:

$$H_e = K(q)^{0.5}$$

Where:

H_e = standard effective stack height, in feet

q = effluent flow rate in standard cubic feet per minute (scfm)

K = a constant dependent on the type of facility as follows:

<u>Type of Facility</u>	<u>K</u>
Primary Copper Smelter	0.50
Primary Lead Smelter	0.61
(all processes except Sintering Machine, Discharge End and Equipment Ventilation)	
Metallurgical Sulfuric Acid Plant	0.61
Primary Zinc Smelter	0.61
Other Primary Smelters	0.90
Primary Lead Smelter Sintering Machine Discharge End and Equipment Ventilation	1.17
Secondary Metal Recovery Facilities	1.17

When two or more gas streams either wholly or in part are discharged through a single stack, the combined flow rate of all streams shall be used to determine the required standard effective stack height. If streams with different SO₂ concentration allowables, as determined in subsection (b) of this section, are combined into a single stream, the required effective stack height is determined as follows:

(1) Calculate a total combined stream SO₂ concentration allowable as follows:

$$PPMt = \frac{(PPM1)(SCFM1) + (PPM2)(SCFM2) + \dots (PPMn)(SCFMn)}{(SCFM1 + SCFM2 + \dots SCFMn)}$$

Where:

PPMt = Allowable SO₂ concentration in total combined stream, ppmv

PPM1 = Allowable SO₂ concentration in stream No. 1, ppmv

PPM2 = Same as PPM1 except for stream No. 2

PPMn = Same as PPM1 except for Nth stream

SCFM1 = Effluent flow rate of stream No. 1, scfm

SCFM2 = Same as SCFM1 except for stream No. 2

SCFMn = Same as SCFM1 except for Nth stream

(2) Calculate interpolation constant (Kt) for the total combined stream as follows:

$$Kt = \frac{(PPMt - PPMx)(Kh - Kx)}{(PPMh - PPMx)} + K$$

Where:

Kt = Interpolation constant for use in the following standard effective stack equation
PPMt = Allowable SO₂ concentration in total combined previously and for the stated total ppmv, the other parameters are:

<u>PPMt</u>	<u>PPMx</u>	<u>PPMh</u>	<u>Kx</u>	<u>Kh</u>
650 to 1,000	650	1,000	0.50	0.61
1,000 to 2,500	1,000	2,500	0.61	0.90
> 2,500	2,500	3,500	0.90	1.17

(3) Calculate standard effective stack height for total combined stream as follows:

$$He = Kt (q)^{0.5}$$

Where:

He = Standard effective stack height in feet

Kt = Interpolation constant calculated previously

q = Total stack effluent flow rate in scfm

(SCFM1 + SCFM2 + ... SCFMn)

(d) If a stack or emission point has an effective stack height less than the standard effective stack height as determined in subsection (c) of this section, the allowable concentration of SO₂ must be reduced by multiplying it by the short stack reduction factor.

(e) Compliance with subsections (b), (d), (e), and (f), of this section shall be

demonstrated by means of a method conforming to the requirements of §101.8 of this title (relating to Sampling) and 40 Code of Federal Regulations (CFR) 60.165 for copper smelters, 40 CFR 60.175 for zinc smelters, 40 CFR 60.185 for lead smelters, and 40 CFR 60.646 for sulfuric acid plants.

(f) The owner or operator of a non-ferrous smelter shall utilize best engineering techniques to capture and vent fugitive SO₂

emissions through a stack or stacks. Such techniques shall include, but not be limited to, the following:

(1) operating and maintaining all ducts, flues, and stacks in a leak-free condition;

(2) operating and maintaining all process equipment and gas collection systems in such a fashion that leakage of

SO₂ gases will be prevented to the maximum extent possible;

(3) collecting SO₂ emissions through the tallest stack or stacks serving the facility, whenever possible, using gas collection systems and/or ducting.

(g) The owner or operator of any primary smelter subject to the provisions of this section shall install, calibrate, maintain, and operate a measurement system or systems approved by the executive director for continuously monitoring SO₂ emissions in the effluent of each process subject to subsection (a) of this section. The executive director shall not require continuous monitoring for sources emitting less than 25 tpy of SO₂ into the atmosphere.

§112.15. Temporary Fuel Shortage Plan Filing Requirements.

(a) Any person may file with the Texas Air Control Board (TACB) a temporary fuel shortage control plan if unable to comply with §112.3 of this title (relating to Ground Level Concentration and National Ambient Air Quality Standards), §112.9 of this title (relating to Allowable Rates-Combustion of Liquid Fuel), or with any permit requirements, other than those required under the Federal Clean Air Act, §111, which limit sulfur dioxide emissions from any combustion unit solely because of the nonavailability of low sulfur fuels. The plan shall include all of the following:

(1) evidence of the nonavailability of low sulfur fuels, including, but not limited to, statements from fuel suppliers which address the availability and prices of lower sulfur fuels and the expected duration of any period of nonavailability of particular fuels. The person filing the plan must annually request and receive an extension from the executive director or the plan will automatically expire one year after receipt of the plan by TACB;

(2) a statement that all emissions inventory data required by TACB are complete, accurate, and on file with TACB;

(3) data for each source within the entire plant that uses the higher sulfur fuel. The data shall include the type, quantity, and sulfur content of all the fuels to be burned, excess air to be used, and the associated sulfur abatement procedure to be used, if any;

(4) any other information as specified by the executive director. The executive director may require more frequent and extensive monitoring for persons affected by this section than would normally be required for persons affected by §112.3 of this title and §112.9 of this title.

(b) The executive director may make an independent determination of a

need to operate under the temporary fuel shortage control plan. This determination/approval shall be effective on the date specified in the executive director's written notification of such determination.

§112.16. Temporary Fuel Shortage Plan Operating Requirements.

(a) Following the approval of a temporary fuel shortage plan filed pursuant to §112.15 of this title (relating to Temporary Fuel Shortage Plan Filing Requirements), the provisions of a plan will govern the operation of the source with regard to emissions of sulfur dioxide (SO₂) during the periods of low sulfur fuel shortages.

(1) During operation under an approved fuel shortage plan, the source shall continue to comply with the following:

(A) §112.3(d) of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards);

(B) permit conditions required under the Federal Clean Air Act (FCAA), §111;

(C) the national ambient air quality standard for SO₂ or an SO₂ increment for prevention of significant deterioration (PSD) of air quality;

(D) §112.17 of this title (relating to Temporary Fuel Shortage Notification Procedures).

(2) During operation under an approved fuel shortage plan, the source will be exempt from the following:

(A) §112.3(a)-(c) of this title (relating to Ground Level Concentrations and National Ambient Air Quality Standards);

(B) §112.9 of this title (relating to Allowable Rates Combustion of Liquid Fuel);

(C) existing permit conditions regulating emissions of SO₂, except as specified in this paragraph.

(b) An evaluation of the plan will be made by the applicant using appropriate diffusion modeling, as approved by the U.S. Environmental Protection Agency and the Texas Air Control Board Modeling Section, and following a signed modeling protocol agreement. If the plan can not adequately demonstrate that the burning of higher sulfur fuels will not cause or contribute to a violation of any national ambient air quality

standard and/or any PSD increment for SO₂, then the person filing the plan shall request that the governor file a petition for relief under the FCAA, §110(f) with the president of the United States.

§112.17. Temporary Fuel Shortage Plan Notification Procedures. Any person who operates a source under a temporary fuel shortage control plan filed pursuant to §112.15 of this title (relating to Temporary Fuel Shortage Plan Filing Requirements) shall comply with the following notification procedures.

(1) The executive director and the appropriate local air pollution control agency shall be notified in writing as soon as practicable of a fuel shortage or impending fuel shortage which causes or may cause an excessive emission that contravenes §112.3 of this title (relating to Ground Level Concentration and National Ambient Air Quality Standards), §112.9 of this title (relating to Allowable Rates-Combustion of Liquid Fuel), or any permit requirements. The notification shall include an estimate of the expected duration of the fuel shortage.

(2) The TACB and the appropriate local air pollution control agency shall be notified in writing as soon as practicable of the termination of a fuel shortage which would allow the resumption of operations in compliance with §112.3(a)-(c) of this title, §112.9 of this title, and any permit requirements.

§112.18. Temporary Fuel Shortage Plan Reporting Requirements. Any person who files a temporary fuel shortage control plan under §112.15 of this title (relating to Temporary Fuel Shortage Plan Filing Requirements) and operates a source under that plan pursuant to §112.16 of this title (relating to Temporary Fuel Shortage Plan Operating Requirements) and §112.17 of this title (relating to Temporary Fuel Shortage Plan Notification Procedures) must submit to the Texas Air Control Board, on a semi-annual basis, a written report detailing the types, quantity, and sulfur content of fuels burned during the previous six months, the sources at which these fuels were burned, and the dates on which the higher sulfur fuels were burned.

§112.19. Application for Area Control Plan. The owner or operator a source which emits sulfur dioxide (SO₂) may petition the Texas Air Control Board for relief from the requirements of §112.3(a)-(c) of this title (relating to Ground Level Concentration and National Ambient Air Quality Standards) by filing with the executive director, an application for an area control plan. An application for an area control

plan shall include, but is not limited to, a combination of evidence that best available control technology is being employed at all the affected sources, having due regard for the technical practicability and the economic reasonableness of reducing or eliminating the emissions of SO₂ from the affected source, and an ambient air sampling system to record SO₂ levels in the affected area. Any person who files an application for an area control plan shall demonstrate the capability of all sources in the affected area of the state to maintain all promulgated SO₂ ambient air quality standards as referenced in §112.3(d) of this title.

§112.20. Exemption Procedure. Upon recommendation by the executive director, the Texas Air Control Board may enter a board order exempting a source from the requirements of §112.3(a)-(c) of this title (relating to Ground Level Concentration and National Ambient Air Quality Standards) if the owner/operator has filed an application

pursuant to §112.19 of this title (relating to Application for Area Control Plan), contingent upon the continued compliance by the owner/operator with the remaining terms of the board order.

§112.21. Allowable Emissions Under Area Control Plan. No person or persons who have been issued a board order establishing an area control plan pursuant to §112.20 of this title (relating to Exemption Procedure) may cause or contribute to a condition in which the ambient air quality in the affected areas of the state will exceed 0.4 parts per million by volume of sulfur dioxide averaged over a one-hour period.

§112.22. Compliance Schedule.

(a) Beginning March 1, 1994, each facility affected by the provisions of §112.2 of this title (relating to Monitoring Systems) shall have installed and tested, in accordance with instructions from the Texas Air

Control Board (TACB), the requisite monitoring or fuel sampling analysis equipment.

(b) Beginning July 31, 1993, each source in Galveston, Harris, Jefferson, and Orange Counties affected by the provisions of §112.9(c) of this title (relating to Allowable Rates-Combustion of Liquid Fuel) shall be in compliance with this section.

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 April 17, 1992.

TRD-9205476

Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: July 17, 1992

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

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Control of Hydrogen Sulfide

• 31 TAC §112.31

The Texas Air Control Board (TACB) proposes an amendment to §112.31, concerning allowable emissions-residential, business, or commercial property. The amendment lowers the existing allowable downwind concentration of hydrogen sulfide to a level consistent with the odor threshold of hydrogen sulfide.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the section is in effect, the fiscal implications for state and local units of government as a result of enforcing the section would be minor expenses of record review and enforcement.

Mr. Hartsock 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 reduced emissions and odor nuisances. There are no anticipated costs to small businesses or persons as a result of administering the section as proposed.

A public hearing on this proposal will be held at 6 p.m. on May 21, 1992, in the City of Houston Pollution Control Building Auditorium located at 7411 Park Place Boulevard, Houston. A second hearing will be held at 11 a.m. on May 22, 1992, at the John Gray Institute, 855 Florida Avenue, Beaumont.

The hearings are structured for the receipt of oral and written comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal at 5:30 p.m., before the Houston hearing, and at 10:30 a.m., before the Beaumont hearing, and will be available to answer questions. Written comments not presented at the hearings may be submitted to the TACB central office in Austin through May 25, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed section. Copies of the proposal are available at the central office of the TACB, Air Quality Planning Annex, located at 12118 North IH35, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Mr. Robert B. Cameron at (512) 908-1495.

The amendment is 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.

§112.31. Allowable Emissions—Residential, Business, or Commercial Property. No person may cause, suffer, allow, or permit emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed a net ground level concentration of 0.01 [0.08] parts per mil-

lion averaged over any 30-minute period if the downwind concentration of hydrogen sulfide affects a property used for residential, business, or commercial purposes.

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 April 17, 1992.

TRD-9205475 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: July 17, 1992

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

Part IX. Texas Water Commission

Chapter 298. Edwards Underground River

The Texas Water Commission (TWC) proposes new Chapter 298, §§298.1-298.7, 298.11-298.20, 298.21-298.23, 298.31, 298.32, 298.41, 298.42, 298.51, 298.61, and 298.71, concerning the commission determination and administration of rights to the use of state water in the Edwards Underground River (Edwards Aquifer) and the protection of the water quality of the Edwards Underground River and related surface streams pursuant to the Texas Water Code, Chapters 11 and 26, and other applicable law.

Subchapter A: General Provisions, §§298.1-298.7, contains rules relating to: the finding of the Edwards Aquifer as an underground stream and, thus, state water; defining the boundaries of the underground river; the applicability of existing commission rules to the underground river; and the definitions of terms used in the chapter.

Subchapter B: Permits and Other Authorizations, §§298.11-298.20, contains rules providing that, except for certain exempt domestic and livestock uses, all users of the Edwards Underground River must obtain commission authorization for the diversion and use of water. Those currently diverting water from the underground river and who can demonstrate a historical record of actual beneficial use prior to April 15, 1992, the effective date of related emergency rules, are provided interim authorization by rule to continue beneficially using such water without waste and subject to certain limitations until a final determination is made on their permit applications. Such limitations include those necessary to protect the water quality, public health, safety, and welfare, aquatic and wildlife habitat, instream uses, bays and estuaries, and other public purposes. Interim authorization will be granted only to those persons who submit an application, declaration of historical use, and water conservation and reuse plan on or be-

fore September 1, 1992. A moratorium will be imposed on the commission review and action on applications by persons not qualifying for interim authorization until final action is taken on those applications submitted on or before September 1, 1992, and accompanied by a declaration of historical use and a water conservation and reuse plan. The moratorium is necessary until historical claims can be evaluated and a determination is made on the availability of unappropriated water for new uses.

Subchapter C: Conveyances, §§298.21-298.23, contains rules providing for the approval and notification of contractual sales of water and the transfer and sale of water rights to the Edwards Underground River. The proposed subchapter also contains a rule relating to the application by a city or town to acquire an appropriation from a water right holder without compensation pursuant to the Wagstaff Act, the Texas Water Code, §11.028.

Subchapter D: Water Use Measurement and Reporting, §298.31 and §298.32, contains rules requiring that all wells, except those used for exempt domestic and livestock purposes, must be equipped with a measuring device or, subject to approval by the executive director, some other equally accurate means of measuring the amount of water diverted must be provided. The proposed subchapter also contains a rule requiring annual use reports to be submitted to the commission.

Subchapter E: Regulation of Diversions-General, §298.41 and §298.42, contains rules prohibiting the waste of water and providing that all authorizations to divert and use water from the Edwards Underground River are subject to limitation, curtailment, and amendment for the protection of water quality, the public health, safety, and welfare, aquatic and wildlife habitat, instream uses, and bays and estuaries.

Subchapter F: Regulation of Diversions-Emergency, §298.51, contains rules providing that any authorization to divert and use water from the Edwards Underground River may be subject to limitation by order of the commission upon declaration of an emergency in order to protect water quality, the public health, safety, and welfare, aquatic and wildlife habitat, instream uses, and bays and estuaries, and other public purposes as well as maintain compliance with applicable law.

Subchapter G: Local Government, §298.61, provides for the involvement of affected local governmental entities in the presentation of comments and recommendations to the commission regarding the regulation of the Edwards Underground River. The proposed subchapter also provides for the possible creation of a separate water division for the Edwards Underground River and the appointment of a local regulatory entity with sufficient jurisdiction and authority to act as the watermaster for the Edwards Underground River, unless prohibited by law.