Texas Register

Volume 17, Number 49, June 30, 1992 Page 4635-4707

In This Issue...

Emergency Sections

Texas Department of Public Safety

Capitol Police

37 TAC §§4.1-4.10 4645

37 TAC §4.31-4.46 4647

Proposed Sections

General Services Commission

Executive Administration Division

1 TAC §111.1, §111.2 4653

1 TAC §111.1, §111.3 4653

1 TAC §§111.11-111.19 4654

1 TAC §§111.31-111.46 4655

Texas Air Control Board

General Rules

31 TAC §101.1, §101.8 4655

Control of Air Pollution From Violatile Organic Compounds

31 TAC §115.10 4656

31 TAC §115.116, §115.119 4658

31 TAC §§115.126, 115.127, 115.129 4659

31 TAC §115.136, §115.139 4660

31 TAC §§115.211, 115.216, 115.217, 115.219 4661

31 TAC §§115.241-115.249 4663

31 TAC §115.249 4666

31 TAC §115.316, §115.319 4667

31 TAC §§115.421, 115.422, 115.425, 115.426, 115.427, 115.429 4668

31 TAC §115.436, §115.439 4670

31 TAC §115.536, §115.539 4671

Comptroller of Public Accounts

Property Tax Administration

34 TAC §9.17, §9.19 4672

Employees Retirement System of Texas

Executive Director

34 TAC §65.3 4672

Texas Department of Public Safety

Capitol Police

37 TAC §§4.1-4.10 4673

37 TAC §§4.31-4.46 4673

Texas Department of Human Services

Medicaid Eligibility

40 TAC §15.305 4674

CONTENTS CONTINUED INSIDE

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 June 22, 1992.

TRD-9208723 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

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

♦ ♦ ♦

Subchapter B. General Volatile Organic Compound Sources

Storage of Volatile Organic Compounds

• 31 TAC §115.116, §115.119

The Texas Air Control Board (TACB) proposes amendments to §115.116 and §115.119, concerning storage of volatile organic compounds (VOC). The proposed changes have been developed to correct the recordkeeping requirements for Victoria County as required by the United States Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other ozone nonattainment areas for consistency with EPA requirements.

The proposed changes to §115.116, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.119, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: $0 for fiscal year (fy) 1992; and $15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of implementing the sections will be rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., city of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 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 revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accomodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382. 017, 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.

§115.116. Recordkeeping Requirements.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following recordkeeping requirements shall apply.

(1) (No change.)

(2) The results of [yearly] inspections required by §115. 114(a) of this title (relating to Inspection Requirements) shall be recorded [each year].

(3) Affected persons shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including: [For vapor recovery systems, the following information shall be recorded:]

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

(B) [daily measurements of] the inlet and outlet gas temperature of a chiller or catalytic incinerator;

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

(D) (No change.)

(4) (No change.)

(5) All records shall be maintained for two years and be made available for review upon request by authorized representatives of the Texas Air Control Board **(TACB)**, United States Environmental Protection Agency **(EPA)**, or local air pollution control agencies.

(b) For all persons in Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) (No change.)

(2) The results of [yearly] inspections required by §115.114(b) of this title [(relating to Inspection Requirements)] shall be recorded [each year].

(3) In Victoria County, affected persons shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

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

(B) the inlet and outlet gas temperature of a chiller or catalytic incinerator;

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

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(4) [(3)] The results of any testing conducted in accordance with the provi-

sions specified in §115.115(b) of this title shall be maintained at an affected facility.

(5)[(4)] All records shall be maintained for two years and be made available for review upon request by authorized representatives of TACB [Texas Air Control Board], EPA [U.S. Environmental Protection Agency], or local air pollution control agencies.

§115.119. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115. 112(a) of this title (relating to Control Requirements), §115.113(a) of this title (relating to Alternate Control Requirements), §115.114(a) of this title (relating to Inspection Requirements), §115.115(a) of this title (relating to Testing Requirements), §115.116(a) of this title (relating to Recordkeeping Requirements), and §115.117(a) of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994. Sections 115.112(c) of this title, 115.113(c) of this title, and 115.117(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

(b) All affected persons in Victoria County shall be in compliance with §115.116(b)(3) of this title, as soon as practicable, but no later than July 31, 1993.

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 June 22, 1992.

TRD-9208730 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

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

♦ ♦ ♦

Vent Gas Control

• 31 TAC §§115.126, 115.127, 115.129

The Texas Air Control Board (TACB) proposes amendments to §§115.126, 115.127, and 115.129, concerning vent gas control. The proposed changes have been developed to add specific recordkeeping requirements to Victoria County as required by the U.S. Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.126, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.127, concerning exemptions, relocates an existing exemption for air oxidation synthetic organic chemical manufacturing processes, liquid phase poly-propylene manufacturing processes, liquid phase slurry high-density polyethylene manufacturing processes, or continuous polystyrene manufacturing processes in order to insure consistency with similar existing exemptions in §115.127. The proposed change to §115.129, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: $0 for fiscal year (fy) 1992; $15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, 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 consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 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 revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382. 017, 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.

§115.126. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any facility which emits volatile organic compounds (VOC) through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following.

(1) Records for each vent required to satisfy the provisions of §115. 121(a)(2) and (3) of this title (relating to Emission Specifications) shall be sufficient to demonstrate the proper functioning of applicable control equipment to design specifications, including:

(A) **continuous monitoring** of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) (No change.)

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

(D) (No change.)

(E) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in §115.125(a) of this title (relating to Testing Requirements).

(2)-(3) (No change.)

(b) For Victoria County, the owner or operator of any facility which emits VOC through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of