

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 §§4.1-4.104645

37 TAC §4.31-4.464647

Proposed Sections

General Services Commission

Executive Administration Division

1 TAC §111.1, §111.24653

1 TAC §111.1, §111.34653

1 TAC §§111.11-111.194654

1 TAC §§111.31-111.464655

Texas Air Control Board

General Rules

31 TAC §101.1, §101.84655

Control of Air Pollution From Volatile Organic Compounds

31 TAC §115.104656

31 TAC §115.116, §115.1194658

31 TAC §§115.126, 115.127, 115.1294659

31 TAC §115.136, §115.1394660

31 TAC §§115.211, 115.216, 115.217, 115.2194661

31 TAC §§115.241-115.2494663

31 TAC §115.2494666

31 TAC §115.316, §115.3194667

31 TAC §§115.421, 115.422, 115.425, 115.426, 115.427, 115.4294668

31 TAC §115.436, §115.4394670

31 TAC §115.536, §115.5394671

Comptroller of Public Accounts

Property Tax Administration

34 TAC §9.17, §9.194672

Employees Retirement System of Texas

Executive Director

34 TAC §65.34672

Texas Department of Public Safety

Capitol Police

37 TAC §§4.1-4.104673

37 TAC §§4.31-4.464673

Texas Department of Human Services

Medicaid Eligibility

40 TAC §15.3054674

TACB, 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(b) of this title 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) continuous monitoring of temperatures upstream and downstream of a catalytic incinerator or chiller;

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

(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; and

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

(2) Records for each vent exempted from control requirements in accordance with §115.127(b) of this title (relating to Exemptions) shall be sufficient to demonstrate compliance with applicable exemption limits, including:

(A) the pounds of ethylene emitted per 1,000 pounds of low-density polyethylene produced;

(B) the combined weight of VOC of each vent gas stream on a daily basis;

(C) the true partial pressure of VOC in each vent gas stream on a daily basis; and

(D) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in this section.

(3) Records for each vent exempted from control requirements in ac-

cordance with §115.127(b) of this title and having a VOC emission rate and concentration less than 50% of the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit, including:

(A) complete information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual operating conditions are less than 50% of the applicable exemption limits; and

(B) daily operating parameters which may affect VOC emissions from the vent sufficient to demonstrate that the maximum actual operating conditions represented for the affected facility have not been exceeded.

§115.127. Exemptions.

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

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

(4) In Harris County, and after July 31, 1994, in counties other than Harris, the following vent gas streams are exempt from the requirements of §115.121(a)(3) of this title (relating to Emission Specifications):

(A) a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period;

(B)[(A)] a vent gas stream from any air oxidation synthetic organic chemical manufacturing process with a concentration of VOC less than 0.009 psia true partial pressure (612 ppm); and

(C)[(B)] a vent gas stream from any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, and any continuous polystyrene manufacturing process with a concentration of VOC less than 0.006 psia true partial pressure (408 ppm).

[(C)] a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period.]

(b)-(c) (No change.)

§115.129. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Vent Gas Control) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.121(a) of this title (relating to Emission Specifications), §115.122(a) of this title (relating to Control Requirements), §115.123(a) of this title (relating to Alternate Control Requirements), §115.125(a) of this title (relating to Testing Requirements), §115.126(a) [§115.126] of this title (relating to Recordkeeping Requirements), and §115.127(a) of this title (relating to Exemptions), as soon as practicable, but no later than July 31, 1994. Sections 115.121(c) of this title, §115.122(c) of this title, §115.123(c) of this title, and §115.127(c) of this title, shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

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

(b) All affected persons in Victoria County shall be in compliance with §115.126(b) 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-9208729 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

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

Water Separation

• 31 TAC §115.136, §115.139

The Texas Air Control Board (TACB) proposes amendments to §115.136 and §115.139, concerning water separation. 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 nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.136, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.139, 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 Hartssock, 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. There will be no fiscal implications for small businesses.

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 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.

§115.136. Recordkeeping Requirements.

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

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

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request 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.

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

(1) Any [any] person who operates a single or multiple compartment VOC water separator without the controls specified in §115.132(b) of this title (relating to Control Requirements) shall maintain complete and up-to-date records sufficient to demonstrate continuous compliance with the applicable exemption criteria including, but not limited to, the names and true vapor pressures of all such materials stored, processed, or handled at the affected property, and any other necessary operational information.

(2) 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 any direct-flame incinerator;

(B) the gas temperature immediately upstream and downstream of any catalytic incinerator or chiller;

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

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

(3) Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.135(b) of this title (relating to Testing Requirements).

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request to representatives of TACB, EPA, or any local air pollution control agency having jurisdiction in the area.

§115.139. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Water Separation) in accordance with the following schedules:

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

(b) All affected persons in Victoria County shall be in compliance with §115.136(b) (2) of this title (relating to Recordkeeping Requirements) 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-9208728 Lane Hartssock
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 C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

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

The Texas Air Control Board (TACB) proposes amendments to §§115.211, 115.216, 115.217, and 115.219, concerning loading and unloading volatile organic compounds. The proposed changes have been developed to add specific recordkeeping requirements for 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.