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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.

The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements and to restore the emission specification for gasoline terminals in Gregg, Nueces, and Victoria Counties which had been inadvertently deleted during a previous amendment to Regulation V.

The proposed changes to §115.211, concerning emission specifications, restores the gasoline terminal emission specification of 0.67 pounds per 1,000 gallons of gasoline transferred to Gregg, Nueces, and Victoria Counties. The proposed changes to §115.215, concerning testing requirements, clarify the applicability of the test methods. The proposed changes to §115.126, concerning recordkeeping requirements, specify that results of any testing conducted must be maintained and that the operational parameters of any emission control device monitor must be continuously monitored and recorded, and add requirements for Victoria County. The proposed changes to §115.217, concerning exemptions, and §115.219, concerning counties and compliance schedules, update references to rule numbers. An additional change to §115.219, 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 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. 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, 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.

#### §115.211. Emission Specifications.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.010 of this title (relating to Definitions), the following emission specifications shall apply.

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

(b) For all persons in Gregg, Nueces, and Victoria Counties, volatile organic compound (VOC) vapors from gasoline terminals shall be reduced to a level not to exceed 0.67 pounds of VOC from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred.

#### §115.215. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.211(a) of this title (relating to Emission Specifications) and §115.212(a) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) -(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.211(b) of this title and §115.212(b) of this title [(relating to Control Requirements)] shall be determined by applying the following test methods, as appropriate:

(1)-(8) (No change.)

#### §115.216. Recordkeeping Requirements.

(a) For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211(a) [§115.211] of this title (re-

lating to Emission Specifications) and §115.212(a) of this title (relating to Control Requirements), the owner or operator of any volatile organic compound (VOC) loading or unloading facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of the Texas Air Control Board (TACB), U.S. Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area:

(1) (No change.)

(2) for vapor recovery systems:

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

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

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

(D) (No change.)

(3)-(4) (No change.)

(5) affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(a) of this title (relating to Testing Requirements).

(b) For facilities in Victoria County affected by §115.211(b) of this title and §115.212(b) of this title, the owner or operator of any VOC loading or unloading facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of TACB, EPA, or any local air pollution control agency having jurisdiction in the area:

(1) a daily record of the total throughput of VOC loaded at the facility;

(2) for vapor recovery systems:

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

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

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

(3) for gasoline terminals:

(A) a daily record of the number of delivery vessels loaded at the terminal and the quantity of gasoline loaded to each delivery vessel; and

(B) a record of the results of any testing conducted at the terminal in accordance with the provisions specified in §115.215(b) of this title.

(4) affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(b) of this title.

#### §115.217. Exemptions.

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

(1)-(5) (No change.)

(6) Gasoline bulk plants which have a gasoline throughput less than 4,000 gallons (15,142 liters) per day averaged over any consecutive 30-day period are exempt from the provisions of §115.211(a)(2) [§115.211(2)] of this title (relating to Emission Specifications), §115.212(a)(5) of this title (relating to Control Requirements), and §115.216(4) of this title (relating to Recordkeeping Requirements).

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

#### §115.219. 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 Loading and Unloading of Volatile Organic Compounds) 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 §115.211(a) [§115.211] of this title (relating to Emission Specifications), §115.212(a) of this title (relating to Control Requirements), §115.213(a) of this title

(relating to Alternate Control Requirements), §115.214(a) of this title (relating to Inspection Requirements), §115.215(a) of this title (relating to Testing Requirements), §115.216(a) [§115.216] of this title (relating to Recordkeeping Requirements), and §115.217(a) of this title (relating to Exemptions), as soon as practicable, but no later than January 31, 1994. Section 115.212(c) of this title, §115.213(c) of this title, and §115.217(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

(2) All affected persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.211(a)(1)(B) [§115.211(1)(B)] of this title [(relating to Emission Specifications)] as soon as practicable, but no later than January 31, 1994.

(3) All affected persons in Brazoria, Dallas, El Paso, Galveston, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.211(a)(2) [§115.211(2)] of this title [(relating to Emission Specifications)] as soon as practicable, but no later than January 31, 1994.

(4) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.212(a)(4) and (5) of this title [(relating to Control Requirements)], §115.214(a)(4) of this title [(relating to Inspection Requirements)], and §115.216(a)(4) [§115.216(4)] of this title [(relating to Recordkeeping Requirements)] as soon as practicable, but no later than January 31, 1994.

(5)-(6) (No change.)

(b) All affected persons in Victoria County shall be in compliance with §115.216(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-9208727 Lane Hartscock  
Deputy Director, Air Quality  
Planning  
Texas Air Control Board

Proposed date of adoption: September 15, 1992

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

### Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities

#### • 31 TAC §§115.241-115.249

The Texas Air Control Board (TACB) proposes new §§115.241-115.249, concerning control of vehicle refueling emissions (Stage

II) at motor vehicle fuel dispensing facilities. This new undesignated head will be included in Subchapter C, concerning volatile organic compound marketing operations. The proposed changes have been developed in response to requirements by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply Stage II gasoline vapor recovery requirements to motor vehicle fuel dispensing facilities in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties). In concurrent action, the TACB proposes to repeal the undesignated head, concerning control of Reid vapor pressure of gasoline which includes §115.249. The proposed repeal of §115.249, concerning counties and compliance schedules, involves removal of existing requirements which were superseded by more stringent federal requirements that became effective on May 1, 1992.

The proposed §115.241, concerning emission specifications, specifies a required control efficiency of 95%. The proposed §115.242, concerning Control Requirements, specifies that Stage II vapor recovery systems selected for installation must be certified by the California Air Resources Board (CARB); requires that the Stage II vapor recovery system be maintained in proper operating condition and specifies prohibited defects that would impair the effectiveness of the system; prohibits gasoline leaks in the system; requires defective equipment to be taken out of service and labeled with an "Out-of-Order" tag; specifies gasoline dispensing pump labeling requirements; prohibits unauthorized modifications or tampering; and specifies that once a facility is required to install Stage II equipment, the control requirements will always apply. The proposed §115.243, concerning alternate control requirements, specifies that alternate control requirements may be approved by the executive director. The proposed §115.244, concerning inspection requirements, requires daily inspections of the Stage II equipment. The proposed §115.245, concerning Testing Requirements, requires performance testing of Stage II equipment within 10 days of installation and retesting at least every five years or upon major system replacement or modification. The proposed §115.246, concerning recordkeeping requirements, requires that maintenance, inspection, training, and testing records be maintained. The proposed §115.247, concerning exemptions, specifies the exemptions from Stage II requirements. The proposed §115.248, concerning training requirements, specifies a mandatory training program. The proposed §115.249, concerning counties and compliance schedules, specifies the applicable counties and the compliance dates for the requirements.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect, the estimated annual cost to state and local governments associated with additional enforcement requirements would be \$2 million. Economic costs to small businesses, individuals, and businesses required to implement the proposed measures