

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

Subchapter D. Petroleum Refining and Petrochemical Processes

Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries

• 31 TAC §115.316, §115.319

The Texas Air Control Board (TACB) proposes amendments to §115.316 and §115.319, concerning process unit turnaround and vacuum-producing systems in petroleum refineries. The proposed changes have been developed to add specific recordkeeping requirements to 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 §115.316, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded, and add requirements for Victoria County. The proposed change to §115.319, 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 proposed sections are in effect there would be no fiscal implications for state and 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 VOC monitoring unit \$0 for fiscal year (fy) 1992; and \$15,000 for fys 1993-1995. 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 proposed 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; and July 30, 1992, 2 p.m., City of Arlington Council Cham-

bers, 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 for adoption 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.

§115.316. Recordkeeping Requirements.

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

(1) Any person who operates a vacuum-producing system affected by §115.311(a) of this title (relating to Emission Specifications) shall keep the following records:

(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 volatile organic compound (VOC) concentration of any carbon adsorption system to determine breakthrough; and

(D) (No change.)

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

(4) 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 affected persons in Victoria County, the following recordkeeping requirements shall apply.

(1) Any person who operates a vacuum-producing system affected by §115.311(b) of this title shall keep the following records:

(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; 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.

(2) Any person who conducts a process unit turnaround affected by §115.312(b) of this title (relating to Control Requirements) shall keep the following records:

(A) the date of process unit shutdown and subsequent start-up following turnaround;

(B) the type of process unit involved in the turnaround; and

(C) an estimation of the concentration and total emissions of VOC emissions released to the atmosphere during the process turnaround.

(3) The results of any testing conducted in accordance with the provisions specified in §115.315(b) of this title (relating to Testing Requirements) shall be maintained at the affected facility.

(4) All records shall be maintained for two years and be made available for review upon request by authorized representatives of TACB, EPA, or local air pollution control agencies.

§115.319. 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 Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) 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 §115.311(a) of this title (relating to Emission Specifications), §115.312(a) of this title (relating to Control Requirements), §115.313(a) of this title (relating to Alternate Control Requirements), §115.315(a) of this title (relating to Testing Requirements), and §115.316(a) [§115.316] of this title (relating to Recordkeeping Requirements), as soon as practicable, but no later than July 31, 1993.

(2) All persons in Dallas, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.316(a) [§115.316] of this title [(relating to Recordkeeping Requirements)] shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.

(b) All affected persons in Victoria County shall be in compliance with §115.316(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-9208724 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 E. Solvent-Using Processes

Surface Coating Processes

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

The Texas Air Control Board (TACB) proposes amendments to §§115.421, 115.422, 115.425, 115.426, 115.427, and 115.429, concerning surface coating processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply reasonably available control technology (RACT) requirements to major volatile organic compound (VOC) sources in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin,

Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties) which are not presently covered by a RACT rule. The proposed changes have also been developed to revise existing recordkeeping requirements in Victoria County for consistency with EPA requirements as required by 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. Additionally, the changes have been developed to modify existing recordkeeping requirements for other ozone nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.421, concerning emission specifications, specify emission limitations for coatings used in mirror backing coating operations. The proposed change to §115.422, concerning control requirements, prohibits the use of the least-efficient spray equipment at most surface coating facilities. The proposed changes to §115.425, concerning testing requirements, add a requirement for capture efficiency testing at mirror backing coating facilities which are equipped with add-on controls. The proposed changes to §115.426, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed changes to §115.427, concerning exemptions, specify exemption levels for mirror backing coating operations and clarify the applicability of existing exemptions for automobile refinishing and architectural coatings. The proposed changes to §115.429, concerning counties and compliance schedules, specify the applicable counties and add a compliance date for the new monitoring requirements in Victoria County and new transfer efficiency and mirror backing coating requirements.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect there would be no fiscal implications for persons or for state and local government. Economic costs to small businesses and businesses required to implement the proposed measures may vary from no cost if compliant coatings are readily available for the specific application and the facility already has efficient coating application equipment to the following estimated costs associated with the expanded abatement, monitoring, and recordkeeping requirements: per spray gun \$0 for fiscal year (fy) 1992, \$450 for fy 1993, and \$0 for fys 1994-1996, per facility control unit \$0 for fy 1992 and \$150,000 for fys 1993-1996, and per VOC monitoring unit \$0 for fy 1992 and \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, 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 proposed sections are in effect the public benefit anticipated as a result

of implementing the sections will be satisfaction of FCAA amendments and EPA requirements, VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard, and 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, and 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.

§115.421. Emission Specifications.

(a) No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title [(relating to Definitions)] affected by paragraphs (1)-(12) [(1)-(11)] of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area and those in paragraph (11) of this