

Texas Register

Volume 17, Number 49, June 30, 1992

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requirements of §115.432(b) of this title [(relating to Control Requirements)] shall:

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

(3) install and maintain monitors to continuously [accurately] 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) (No change.)

(B) the total amount of VOC recovered by a carbon adsorption or other solvent recovery system during a calendar month; [and]

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

(D)[(C)] 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;

(4)-(5) (No change.)

§115.439. Counties and Compliance Schedules.

(a)-(c) (No change.)

(d) All affected persons in Victoria County shall be in compliance with §115.436(b)(3)(C) 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-9208721

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 F. Miscellaneous Industrial Sources

Pharmaceutical Manufacturing Facilities

• 31 TAC §115.536, §115.539

The Texas Air Control Board (TACB) proposes amendments to §115.536 and §115.539, concerning pharmaceutical manu-

facturing facilities. The proposed changes have been developed to revise existing recordkeeping requirements in Victoria County for consistency with United States Environmental Protection Agency (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 §115.536, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.539, concerning counties and compliance schedules, adds a compliance date for the new monitoring 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 governments. 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—\$15, 000 in 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 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; 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. Mate-

rial 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 the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.536. Recordkeeping Requirements.

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

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of volatile organic compound (VOC) from process units affected by §115.531(a)(1) of this title (relating to Emission Specifications) shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(a) of this title [(relating to Emission Specifications)] or §115.532(a) of this title (relating to Control Requirements) shall:

(A) install and maintain monitors to continuously [accurately] measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including [such as]:

(i) (No change.)

(ii) the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred,

(iii)-(iv) (No change.)

(B) (No change.)

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

(5) The owner or operator of

any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or local air pollution control agency.

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

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of VOC from process units affected by §115.531(b)(1) of this title [(relating to Emission Specifications)] shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(b) of this title [(relating to Emission Specifications)] or §115.532(b) of this title [(relating to Control Requirements)] shall:

(A) install and maintain monitors to continuously [accurately] measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including [such as]:

(i) (No change.)

(ii) in Victoria County, the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred;

(iii)[(ii)] the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month; or

(iv)[(iii)] the daily emission rate of VOC from the control device;

(B) (No change.)

(3)-(5) (No change.)

§115.539. *Counties and Compliance Schedules.*

(a)-(b) (No change.)

(c) All affected persons in Victoria County shall be in compliance with §115.536(b)(2)(A)(iii) 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-9208720

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

Proposed date of adoption: September 15, 1992

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 9. Property Tax Administration

Subchapter A. Practice and Procedure

• 34 TAC §9.17, §9.19

The Comptroller of Public Accounts proposes new §9.17 and §9.19, concerning notice of effective and rollback tax rates and notice of public hearing to increase tax rates. The new sections are necessary because Senate Bill 351, as amended by House Bill 1298, 72nd Legislature, 1991, and House Bill 93, 72nd Legislature, 1991, required changes in these notices. The new sections reflect changes in the rollback rate calculation for a school district and a county. In addition, the 72nd Legislature, 1991, Second Called Session, transferred responsibility for adopting property tax rules to the comptroller effective November 24, 1991.

Tom Plaut, chief revenue estimator 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 as a result of enforcing or administering the sections.

Dr. Plaut 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 is in providing new information regarding tax responsibilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Barbara Truesdale, Manager, Property Tax Division, 4301 Westbank Drive, Suite 100, Austin, Texas 78746-6565.

The new sections are proposed under the Tax Code, §26.06(g), which requires the comptroller to prescribe the language and format to be used in the notice of public hearing on tax increase and §26.04, which requires the comptroller to prescribe the form for publishing notice of effective and rollback tax rates.

§9.17. *Notice of Public Hearing on Tax Increase.*

(a) A taxing unit that is required by the Tax Code, §26.06, to publish a notice of public hearing on a proposed tax increase shall use the form and wording of model Form 26.06 in publishing the notice.

(b) Model Form 26.06 is adopted by reference. Copies may be obtained from the Comptroller of Public Accounts, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

§9.19. *Notice of Effective and Rollback Tax Rates.*

(a) A taxing unit shall use the form and wording of model Form 26.04 in publishing the notice of effective tax rate and other information required to be published by the Tax Code, §26.04(e). A county may modify the model form by inserting additional columns of effective and rollback rate calculations for each type of tax the county levies. A form so modified must also state the total effective and rollback tax rates for the county.

(b) The type size used in the notice may not be smaller than eight points.

(c) Notice for taxing units may be combined, provided each meets the requirements of subsection (b) of this section.

(d) Model Form 26.04 is adopted by reference.

(e) Copies may be obtained from the Comptroller of Public Accounts, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

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-9208645

Marlin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-4028

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System

Chapter 65. Executive Director

• 34 TAC §65.3

The Employees Retirement System proposes an amendment to §65.3, concerning records