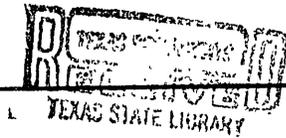


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# VOLUME 17, NUMBER 7, PART II

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 January 17, 1992

TRD 9200952 Lane Hartsock  
Deputy Director, Air Quality  
Planning  
Texas Air Control Board

Proposed date of adoption May 15, 1992

For further information, please call (512)  
908 1451

## Subchapter F. Miscellaneous Industrial Sources

### Cutback Asphalt

#### • 31 TAC §§115.512, 115.513, 115.515-115.517, 115.519

The Texas Air Control Board (TACB) proposes amendments to §§115.512, 115.513, 115.515-115.517, and 115.519, concerning cutback asphalt. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.512, concerning control requirements; §115.513, concerning alternate control requirements; §115.515, concerning testing requirements; §115.516, concerning recordkeeping requirements; and §115.517, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.512, concerning control requirements, also reduce the maximum allowable annual usage of cutback asphalt from 8.0% to 7.0% in Brazoria, Galveston, Harris, Jefferson, and Orange Counties, consistent with existing requirements in Dallas, El Paso, and Tarrant Counties. The proposed changes to §115.519, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties, and remove an obsolete paragraph.

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 governments.

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 uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. There is no anticipated economic cost to person who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 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 central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

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.

**§115.512. Control Requirements.** For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], the following control requirements shall apply.

(1) In Nueces County, and until December 31, 1992 in Brazoria, Galveston, Harris, Jefferson, and Orange Counties, the [The] use of cutback asphalt containing volatile organic compound (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) In Dallas, El Paso, and Tarrant Counties, and after December 31, 1992 in counties other than Dallas, El Paso, and Tarrant in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the [The] use of cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots [in Dallas, El Paso, and Tarrant Counties] is restricted to no more than 7.0%

of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(3) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, no [No] person shall allow the use, application, sale, or offering [offer] for sale of cutback asphalt containing VOC solvents for paving roadways, driveways, or parking lots [in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties] during the period from April 16 to September 15 of any year.

(4) (No change.)

**§115.513. Alternate Control Requirements.** For all affected persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

**§115.515. Testing Requirements.** For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], compliance with §115.512(4) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

**§115.516. Recordkeeping Requirements.** For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], any state, municipal, or county agency who uses or specifies the use of the type of asphalt or asphalt emulsion affected by §115.512 of this title (relating to Control Requirements) shall maintain records sufficient to document compliance with applicable restrictions and shall make such records available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or the local air pollution control agency having jurisdiction in the area.

**§115.517. Exemptions.** For persons in **Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], the following are exempt from the provisions of §115.512(3) of this title (relating to Control Requirements):

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

**§115.519. 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 this undesignated head (relating to **Cutback Asphalt**) as soon as practicable but no later than **April 16, 1993**.

(b) All persons in **Brazoria, Galveston, Harris, Jefferson, and Orange Counties** affected by the provisions of §115.512(2) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than **December 31, 1992**. [All affected persons in **Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Tarrant Counties** shall be in compliance with this undesignated head (relating to **Cutback Asphalt**) in accordance with all compliance schedules which have expired prior to **January 1, 1991**, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons in **Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties** affected by §115.512(3) of this title (relating to Control requirements) shall be in compliance as soon as practicable, but no later than **April 16, 1992**.]

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 January 17, 1992.

TRD-9200953 Lane Hartsock  
Deputy Director, Air Quality  
Planning  
Texas Air Control Board

Proposed date of adoption: May 15, 1992

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

◆ ◆ ◆  
**Perchloroethylene Dry Cleaning Systems**

• **31 TAC §§115.521-115.527, 115.529**

The Texas Air Control Board (TACB) proposes amendments to §§115.521-115.527, and 115.529, concerning perchloroethylene

dry cleaning systems. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "primator county catch-ups." The revisions intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties moved into a separate subsection in each section. However, no new requirements are intended for those three counties.

The proposed changes to §115.521, concerning omission specifications; §115.522, concerning control requirements; §115.523, concerning alternate control requirements; §115.524, concerning inspection requirements; §115.525, concerning testing requirements; §115.526, concerning recordkeeping requirements; and §115.527, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.527 also remove the 550 pound per day exemption in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties such that requirements in these counties will be consistent with requirements in Dallas, Harris, and Tarrant Counties. The proposed changes to §115.529, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties, and remove obsolete paragraphs

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 or for small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with abatement and recordkeeping requirements and are estimated as follows: per facility: \$0 for fiscal year (fy) 1992 and \$2,000 for fys 1993-1996. Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping costs. All estimates are stated in 1992 dollars with no adjustments for inflation

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 uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont, February 25, 1992, 7 p.m., City of El Paso, Council

Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, and February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 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 central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

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.

**§115.521. Emission Specifications**

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** as defined in §115.10 of this title (relating to Definitions [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)]), the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device such that emissions are limited to no more than 100 ppm before dilution.

(b) For **Gregg, Nueces, and Victoria Counties**, the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device such that emissions are limited to no more than 100 ppm before dilution.

**§115.522. Control Requirements.**

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements:

- (1)-(4) (No change.)

(b) For **Gregg, Nueces, and Victoria Counties**, the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements:

(1) cook or treat all diatomaceous earth filters so that the residue contains 25% by weight or less of volatile