

accreditor for the particular institution it intends to accredit.]

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 February 8, 1993.

TRD-9318825

James McWhorter
Assistant Commissioner
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 483-6160

Chapter 21. Student Services

Subchapter C. Hinson-

Hazlewood College Student Loan Program for all Loans which are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education Loan Program

• 19 TAC §21.57

The Texas Higher Education Coordinating Board proposes an amendment to §21.57, concerning Hinson-Hazlewood College Student Loan Program (Loan Limits). The amendments to the rule will increase the annual and aggregate limit for College Access Loan (CAL) loans. The CAL is primarily made to students from middle income families that have difficulty meeting the contribution to the student's budget as determined by an analysis of the family's financial condition.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Adams also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increasing the annual and aggregate limit for CAL loans will help many students stay in school who, without such assistance, might have to drop out. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §52.54, which provide the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the

Hinson-Hazlewood College Student Loan Program (Loan Limits).

§21.57. Loan Limits.

(a) (No change.)

(b) Annual loan limit. The maximum loan amounts allowed for any qualified applicant during an academic year is stated in paragraphs (1)-(5) of this subsection for each type of Hinson-Hazlewood loan. When the student progresses satisfactorily to the next classification level, that student may be eligible for another GSL, SLS, or CAL.

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

(3) CAL. [The amount of a CAL plus other student financial aid may not exceed the cost of education.] The annual loan limit is 75% of the total of the expected family contribution plus unmet need, not to exceed \$7,500 per academic year. [the lesser of the following]:

[(A) 75% of the total of the expected family contribution less other aid to replace family contribution;

[(B) The sum of tuition and fees, books and supplies, and 25% of other educational cost; or

[(C) Annual loan amounts must be disbursed in a minimum of two disbursements. The amount of a CAL plus other student financial aid may not exceed the cost of education. [\$5,000 per academic year.]

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

(c) Aggregate loan limits. The aggregate amount allowed for any qualified applicant for Hinson-Hazlewood college student loans is outlined in the following paragraphs.

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

(3) CAL-The aggregate loan limit is \$30,000 [\$25, 000].

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

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 February 8, 1993.

TRD-9318823

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 483-6160

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 111. Control of Air Pollution From Visible Emissions and Particulate Matter

Visible Emissions

• 31 TAC §111.111

The Texas Air Control Board (TACB) proposes an amendment to §111.111, concerning Gas Flares, to specify the duration of daily visible emission compliance testing. This action is in response to a petition from the Texas-Chemical Council (TCC) requesting that TACB delete the requirement for daily tests. In order to maintain enforceability of the provision, however, TACB believes that a timeframe must be retained and is proposing daily surveillance. Comment is solicited on the appropriateness of the proposed daily observations or of alternative frequencies.

Section 111.111(a)(4)(A) prohibits visible emissions from gas flares for more than five minutes in any two-hour period. Section 111.111(a)(4)(B) specifies that compliance with subparagraph (A) shall be determined by the United States Environmental Protection Agency (EPA) Test Methods 22 or 9. TACB believes that a strict interpretation of this regulation and the test methods would require a minimum two-hour observation of each flare at a given facility per day. TACB believes that this is an unreasonable requirement. Thus, in addition to the issue of daily observations, language has been proposed to specify that observations may be limited to six minutes for each flare.

Lane Hartsock, Deputy Director of Air Quality Planning, has determined that for the first five-year period the section is in effect the anticipated implications for state and local units of government as a result of enforcing or administering the section would be minor expenses of record review and enforcement.

Facilities required to implement the proposed measure would incur costs based on the number of flares operated. For large facilities with 30 to 40 flares, TACB estimates that a maximum of 1/2 man-year would be needed to meet the rule requirements. This represents approximately \$20,000 to 25,000 yearly for the facility. The cost of compliance would drop proportionately with a decrease in the number of flares.

Mr. Hartsock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be enhanced monitoring of affected sources resulting in more consistent compliance with emission standards and improved enforceability of the rule. TACB estimates annual training costs per person using EPA Method to be \$1,000-1,500. For personnel trained

only in Method 22 training costs would be minimal.

A public hearing on this proposal will be held at 10 a.m. on March 17, 1993, in Room 201S of the Texas Air Control Board, Air Quality Planning Annex located at 12118 North IH-35, Austin, Texas 78753. The hearing is structured for the receipt of oral and written comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal at 10 a.m. and will be available to answer questions.

Written comments not presented at the hearing may be submitted to the TACB central office in Austin through March 31, 1993. 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 proposal. Copies of the proposal 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 Beecher Cameron at (512) 908-1495.

Persons with disabilities who have special communications or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendment is proposed under the Texas Clean Air Act (TCAA), Texas Health and Safety Code (Vernon 1990), §382.17, which provide TACB with the authority to adopt rules consistent with the policies and purposes of the TCAA.

§111.111. Requirements for Specified Sources.

(a) Visible Emissions. No person may cause, suffer, allow, or permit visible emissions from any source, except as follows:

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

(4) Gas Flares.

(A) (No change.)

(B) Compliance with subparagraph (A) of this paragraph shall be determined daily by applying the following test methods, as appropriate. Unless otherwise stated, the test methods shall be applied for a minimum of six minutes:

(i)-(ii) (No change.)

(iii) equivalent test method approved by the Executive Director and EPA.

(5)-(8) (No change.)

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

§111.113. (No change.)

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 15, 1993.

TRD-9318857

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

Earliest possible date of adoption: March 19, 1993

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

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter D. Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits

• 31 TAC §305.69, §305.70

The Texas Water Commission (TWC) proposes an amendment to §305.69 and new §305.70, concerning solid waste permit modifications at the request of the permittee. TWC is proposing the replacement of emergency §305.69 and §305.70, which were published on an emergency basis in the September 4, 1992, issue of the *Texas Register* (17 TexReg 6045). The amendment to §305.69 and new §305.70 are proposed in order to allow certain changes to municipal solid waste permits to be handled administratively, without going through the formal hearing process.

The proposed amendment to §305.69 simply clarifies the fact that the provisions of that section apply to industrial and hazardous waste permit modifications only, and that municipal solid waste permit modifications are covered by new §305.70. Proposed new §305.70 allows for the administrative approval of specifically delineated municipal solid waste permit modifications. The permit modifications delineated are minor in nature, and maintain or improve environmental protection standards. In addition, many facilities would like to begin complying with recently promulgated federal regulations that call for stricter operation and management standards for all municipal solid waste facilities. Under current TWC regulations, changes implemented in compliance with these stricter federal regulations require a permit amendment. Proposed new §305.70 allows many of these changes to be implemented more expeditiously.

Stephen Minick, Division of Budget and Planning, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcement or will be a savings in costs related to processing certain permit amendments or modifications. Costs to applicants for modifi-

cation of municipal solid waste permits will be reduced in those circumstances under these rules where formal hearing processes may be avoided. These applicants would include local governments and small businesses. The costs to be avoided are prospective and will vary on a case-by-case basis with each application affected. Actual cost savings cannot be estimated at this time. There are no increases in cost to affected party anticipated.

Mr. Minick 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 enforcement of and compliance with the sections will improvements in the process of modification of permits for municipal solid waste facilities and more timely incorporation of stricter operation and management standards for such facilities. There are no known costs to persons required to comply with these sections as proposed.

Comments on the proposal may be submitted to Renea Ryland, Staff Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication.

A public hearing for comments has also been scheduled for Thursday, March 11, 1993, Stephen F. Austin State Building, 1700 North Congress, Room 118, Austin, Texas 78711 from 1:30 p.m. to 5:00 p.m.

The amendment and new section are proposed under the Texas Health and Safety Code, Chapter 361, which gives the commission all powers necessary and convenient under that chapter to carry out its responsibilities concerning the regulation and management of municipal solid waste.

§305.69. Solid Waste Permit Modification at the Request of the Permittee.

(a) This section applies only to modifications to industrial and hazardous solid waste permits. Modifications to municipal solid waste permits are covered in §305.70 (relating to Municipal Solid Waste Class I Modifications).

(b)[(a)] Class 1 modifications of solid waste permits.

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

(c)[(b)] Class 2 modifications of solid waste permits.

(1)-(15) (No change.)

(d)[(c)] Class 3 modifications of solid waste permits.

(1)-(6) (No change.)

(e)[(d)] Other modifications.

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

(f)[(e)] Temporary authorizations.

(1)-(6) (No change.)

(g)[(f)] Public notice and Appeals of Permit Modification Decisions.

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