

# Texas Register

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Volatile organic compound—Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), perchloroethylene (tetrachloroethylene), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113), 1, 2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 1,1,1, 2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2, 2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), 1, 1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

(A)-(D) (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 July 5, 1993.

TRD-9325248 Lane Hartssock  
Deputy Director, Air Quality  
Planning  
Texas Air Control Board

Proposed date of adoption: November 12, 1993

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

## Chapter 115. Control of Air Pollution From Volatile Organic Compounds

### Subchapter A. Definitions

#### • 31 TAC §115.10

The Texas Air Control Board (TACB) proposes an amendment to §115.10, concerning Definitions. The proposed changes have been developed in response to a requirement by the U.S. Environmental Protection Agency (EPA) and the 1990 Amendments to the Federal Clean Air Act (FCAA) for states to develop and adopt the Rate of progress (ROP) State Implementation Plan (SIP) by November 15, 1993. The ROP SIP is required to achieve and maintain a volatile organic compound (VOC) emissions level that is 15% below the 1990 base year emissions by 1996 in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas. The affected ozone nonattainment counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso,

Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller.

The proposed changes to §115.10 add definitions for alcohol substitutes, automotive basecoat/clearcoat system, automotive precoat, automotive pretreatment, automotive sealers, automotive specialty coatings, automotive three-stage system, batch, cleaning solution, fountain solution, hand-held lawn and garden and utility equipment, heatset, high-volume low-pressure (HVLP) spray guns, industrial solid waste, lithography, marine terminal, marine vessel, municipal solid waste facility (MSWF), municipal solid waste landfill, municipal solid waste landfill emissions, non-heatset, offset lithography, owner or operator of a motor vehicle fuel dispensing facility, sludge, solid waste, synthetic organic chemical manufacturing industry (SOCMI) batch distillation operation, SOCMI batch process, SOCMI distillation operation, SOCMI distillation unit, SOCMI reactor process, transport vessel, and utility engines.

The proposed changes to §115.10 also revise the definition of vapor recovery system to delete inappropriate and obsolete language, and revise the definition of VOC to exclude perchloroethylene for consistency with the corresponding federal definition soon to be promulgated by EPA.

The proposed amendments are part of a series of proposed revisions to Chapter 115 (Regulation V, concerning Control of Air Pollution From Volatile Organic Compounds) and the SIP to provide the required reductions in the ozone nonattainment areas as mandated by the 1990 FCAA Amendments. Since this is an interim step in attaining the ozone standard, only those controls needed to satisfy the requirement will be adopted by the November 15, 1993, deadline. Additional controls are anticipated to be adopted by November 15, 1994, in conjunction with an attainment demonstration requirement in each ozone nonattainment area. By this time, Urban Airshed Modeling (UAM) will be available to facilitate more scientific decision making regarding the effect of control measure scenarios on ozone levels. The UAM is a quantitative state-of-the-art computer model that will enable the staff to evaluate the effects of various combinations of control measures on ozone.

The EPA has recently provided guidance which modifies in part the States' requirement to submit all rules necessary to meet the ROP reduction by November 15, 1993. Texas will submit rules to meet the ROP reduction in two phases. Phase I will consist of a core set of rules comprising at least 70% of the required reductions. This phase will be submitted by the original deadline of November 15, 1993. Phase II will consist of any remaining percentage toward the 15% net of growth reductions, as well as additional contingency measures to obtain an additional 3.0% of reductions. Phase II will be submitted by November 15, 1994. A commitment listing the rules to achieve the additional percentages and contingency measures will be submitted in conjunction with the Phase I SIP by November 15, 1993.

Lane Hartssock, deputy director of air quality planning, has determined that for the first five-year period the rule is in effect there would be no fiscal implications for state and local government.

Mr. Hartssock also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of implementing the rule will be satisfaction of FCAA Amendments and EPA requirements, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard. There are also no fiscal implications for facilities and small businesses affected by the definitions. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Public hearings on this proposal are scheduled for the following times and places: August 4, 1993, 6:30 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; August 5, 1993, 2:30 a.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington; August 5, 1993, 6:30 p.m., Houston-Galveston Area Council, Second Floor, Conference Room A, 3555 Timmons Lane, Houston; and August 6, 1993, 11:30 p.m., John Gray Institute, 855 Florida Avenue, Beaumont.

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. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings must be submitted to the TACB Central Office in Austin no later than August 13, 1993. Material received by the Regulation Development Division by 4:00 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 amendment is proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

**§115.10. Definitions.** Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Board, the terms used by the Board have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following words and terms, when used in this chapter, shall

have the following meanings, unless the context clearly indicates otherwise.

Alcohol substitutes (used in offset lithographic printing) -Non-alcohol additives that contain volatile organic compounds and are used in the fountain solution. Some additives are used to re-

duce the surface tension of water; others (especially in the newspaper industry) are added to prevent piling (ink build-up).

Automotive basecoat/clearcoat system (used in automobile refinishing)-A topcoat system composed of a pigmented basecoat portion and a trans-

parent clearcoat portion. The volatile organic compound (VOC) content of a basecoat (bc)/clearcoat (cc) system shall be calculated according to the following formula:

$$\text{VOC } T_{bc/cc} = \text{VOC}_{bc} + (2 \times \text{VOC}_{cc})$$

3

where:

VOC  $T_{bc/cc}$  is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, in the basecoat/clearcoat system;

VOC<sub>bc</sub> is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat; and

VOC<sub>cc</sub> is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat.

Automotive precoat (used in automobile refinishing)-Any coating that is applied to bare metal to deactivate the metal surface for corrosion resistance to a subsequent water-based primer. This coating is applied to bare metal solely for the prevention of flash rusting.

Automotive pretreatment (used in automobile refinishing) -Any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal surfaces to etch the metal surface for corrosion resistance and adhesion.

Automotive sealers (used in automobile refinishing) -Coatings that are formulated with resins which, when dried, are not readily soluble in typical solvents. These coatings act as a shield for surfaces over which they are sprayed by resisting the penetration of solvents which are in the final topcoat.

Automotive specialty coatings (used in automobile refinishing)-Coatings or additives which are necessary due to unusual job performance requirements.

These coatings or additives prevent the occurrence of surface defects and impart or improve desirable coating properties. These products include, but are not limited to, uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, jaming clear coatings, gloss flatteners, and antiglare/safety coatings.

Automotive three-stage system (used in automobile refinishing)-A topcoat system composed of a pigmented basecoat portion, a semi-transparent midcoat portion, and a transparent clearcoat portion. The volatile organic compound (VOC) content of a three-stage system shall be calculated according to the following formula:

$$\text{VOC } T_{3\text{-stage}} = \text{VOC}_{bc} + \text{VOC}_{mc} + (2 \times \text{VOC}_{cc})$$

4

where:

VOC  $T_{3\text{-stage}}$  is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, in the three stage system;

VOC<sub>bc</sub> is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat;

VOC<sub>mc</sub> is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given midcoat; and

VOC<sub>cc</sub> is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat.

Batch (used in offset lithographic printing)-A supply of fountain solution that is prepared and used without alteration until completely used or removed from the printing process.

Cleaning solution (used in offset lithographic printing) -Liquids used to remove ink and debris from the operating surfaces of the printing press and its parts.

Fountain solution (used in offset lithographic printing) -A mixture of water, nonvolatile printing chemicals, and an additive (liquid) that reduces the surface tension of the water so that it spreads easily across the printing plate surface. The fountain solution wets the

non-image areas so that the ink is maintained within the image areas. Isopropyl alcohol, a volatile organic compound, is the most common additive used to reduce the surface tension of the fountain solution.

Hand-held lawn and garden and utility equipment-Equipment that requires its full weight to be supported by the operator to perform its function and requires multi-positional operation.

Heatset (used in offset lithographic printing)-Any operation where heat is required to evaporate ink oil from the printing ink. Hot air dryers are used to deliver the heat.

**High-volume low-pressure (HVLV) spray guns**—Equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge (psig) air pressure.

**Industrial solid waste**—Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, classified as follows:

(A) **Class I industrial solid waste or Class I waste** is any industrial solid waste designated as Class I by the Executive Director as any industrial solid waste or mixture of industrial solid wastes that because of its concentration or physical or chemical characteristics is toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or otherwise managed, including hazardous industrial waste, as defined in §335.1 of this title (relating to Definitions) and §335.505 of this title (relating to Class I Waste Determination).

(B) **Class II industrial solid waste** is any individual solid waste or combination of industrial solid wastes that cannot be described as Class I or Class III, as defined in §335.506 of this title (relating to Class II Waste Determination).

(C) **Class III industrial solid waste** is any inert and essentially insoluble industrial solid waste, including materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable as defined in §335.507 of this title (relating to Class III Waste Determination).

**Lithography (used in offset lithographic printing)**—A printing process where the image and non image areas are chemically differentiated; the image area is oil receptive and the non-image area is water receptive. This method differs from other printing methods, where the image is a raised or recessed surface.

**Marine terminal**—Any facility which receives volatile organic compounds (VOC) from a marine vessel or loads VOC into a marine vessel.

**Marine vessel**—Any tugboat, tanker, freighter, passenger ship, barge, or other boat, ship or watercraft which transports liquid bulk cargo in tanks except those used primarily for recreation.

**Municipal solid waste facility**—All contiguous land; structures, other appur-

tenances, and improvements on the land used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units, e.g., one or more landfills, surface impoundments, or combinations of them.

**Municipal solid waste landfill**—A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 Code of Federal Regulations, Part 257, §257.2. A municipal solid waste landfill (MSWLF) unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small-quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

**Municipal solid waste landfill emissions**—Any gas derived from a natural process through the decomposition of organic waste deposited in a municipal solid waste disposal site or from the volatile organic compounds in the waste.

**Non-heatset (used in offset lithographic printing)**—Any operation where the printing inks are set without the use of heat. For the purposes of this rule, ultraviolet-cured and electron beam-cured inks are considered non-heatset.

**Offset lithography**—A printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket), which, in turn, transfers the ink film to the substrate.

**Owner or operator of a motor vehicle fuel dispensing facility** (as used in §§115.241-115.249 of this title, relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities—Any person who owns, leases, operates, or controls the motor vehicle fuel dispensing facility.

**Sludge**—Any solid or semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant; water supply treatment plant, exclusive of the treated effluent from a wastewater treatment plant; or air pollution control equipment.

**Solid waste**—Garbage, rubbish, refuse, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control equipment, and other discarded material, including solid, liquid, semisolid, or containerized gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

(A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under the Water Code, Chapter 26;

(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(C) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under the Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the Administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act, as amended (42 United States Code, 6901 et seq).

**Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation**—A noncontinuous distillation operation in which a discrete quantity or batch of liquid feed is charged into a distillation unit and distilled at one time. After the initial charging of the liquid feed, no additional liquid is added during the distillation operation.

**Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch process**—Any noncontinuous reactor process which is not characterized by steady-state conditions, and in which reactants are not added and products are not removed simultaneously.

**Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation operation**—An operation separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

**Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation unit**—A device or vessel in which distillation operations occur, including all associated internals (including, but not limited to, trays and packing), accessories (including, but not limited to, reboilers, condensers, vacuum pumps, and stream

jets), and recovery devices (such as adsorbers, carbon absorbers, and condensers) which are capable of and used for recovering chemicals for use, reuse, or sale.

**Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process**—A unit operation in which one or more chemicals, or reactants other than air, are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed.

**Transport vessel**—Any mode of transportation (truck, rail, or boat) which has a tank used primarily to transport liquid bulk cargo.

**Utility engines**—Small four stroke and two stroke, air or liquid cooled, gasoline, diesel, or alternative fuel powered engines under 25 horsepower. They are designed for powering lawn, garden, and turf maintenance implements, timber operations, generating electricity, and pumping fluids.

**Vapor recovery system**—Any control system which utilizes vapor collection equipment to route volatile organic compounds (VOC) to a control device that reduces VOC [volatile organic compound (VOC)] emissions [such that the aggregate true partial pressure of all VOC vapors will not exceed a level of 1.5 psia (10.3 kPa) or other emission limits specified in Chapter 115 of this title (relating to Volatile Organic Compounds)].

**Volatile organic compound**—Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), perchloroethylene (tetrachloroethylene), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113), 1, 2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 1,1,1, 2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2, 2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), 1, 1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

(A)-(D) (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 July 5, 1993.

TRD-9325246

Lane Hartsock  
Deputy Director  
Texas Air Control Board

Proposed date of adoption: November 12, 1993

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

## Subchapter B. General Volatile Organic Compound Sources Vent Gas Control

### • 31 TAC §§115.121-115.123, 115.126, 115.127, 115.129

The Texas Air Control Board (TACB) proposes amendments to §§115.121-115.123, 115.126, 115.127, and 115.129, concerning Vent Gas Control. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) and the 1990 Amendments to the Federal Clean Air Act (CAAA) for states to develop and adopt the Rate of Progress (ROP) State Implementation Plan (SIP) by November 15, 1993. The ROP SIP is required to achieve and maintain a volatile organic compound (VOC) emissions level that is 15% below the 1990 base year emissions by 1996 in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas. The affected ozone nonattainment counties are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller.

The proposed amendments to §115.121, concerning Emission Specifications, add emission limitations for synthetic organic chemical manufacturing industry (SOCMI) reactor processes, and SOCMI distillation operations. The proposed amendments to §115.122, concerning Control Requirements, specify that emission control equipment for SOCMI reactor processes and SOCMI distillation operations shall have a destruction efficiency of at least 98% or control the vent gas stream to a VOC emission rate of no more than 20 parts per million.

The proposed amendments to §115.121 and §115.122 also clarify the existing control requirements for air oxidation synthetic organic chemical manufacturing processes, liquid phase polypropylene manufacturing processes, liquid phase slurry high-density polyethylene manufacturing processes, and continuous polystyrene manufacturing processes which specify that emission control equipment must have a destruction efficiency of at least 98% or control the vent gas stream to a VOC emission rate of no more than 20 parts per million.

The proposed amendments to §115.123, concerning Alternate Control Requirements, establish the availability of an alternative reasonably available control technology (ARACT) determination for situations in which a vent gas stream control device with a control efficiency of at least 90% was installed

prior to the effective date of a vent gas rule which requires a higher control efficiency.

The proposed amendments to §115.126, concerning Monitoring and Recordkeeping Requirements, update a cross-reference to the emission specifications and delete a reference to carbon adsorption breakthrough. The proposed amendments to §115.127, concerning Exemptions, specify the exemptions for SOCMI reactor processes, and distillation operations.

The proposed amendments to §115.127 also clarify a cross-reference in §115.127(a)(1) in response to a petition for rule-making submitted by the Texas Chemical Council. The proposed amendments to §115.129, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance date for the new requirements, and delete obsolete paragraphs. The proposed amendments to §§115.121, 115.127, and 115.129 also extend the compliance date for some previous requirements from July 31, 1994 to May 31, 1995, in order to provide the regulated community sufficient time to comply.

The proposed amendments are part of a series of proposed revisions to Chapter 115 (Regulation V, concerning Control of Air Pollution From Volatile Organic Compounds) and the SIP to provide the required reductions in the ozone nonattainment areas as mandated by the 1990 CAAA Amendments. Since this is an interim step in attaining the ozone standard, only those controls needed to satisfy the requirement will be adopted by the November 15, 1993, deadline. Additional controls are anticipated to be adopted by November 15, 1994, in conjunction with an attainment demonstration requirement in each ozone nonattainment area. By this time, Urban Airshed Modeling (UAM) will be available to facilitate more scientific decision-making regarding the effect of control measure scenarios on ozone levels. The UAM is a quantitative state-of-the-art computer model that will enable the staff to evaluate the effects of various combinations of control measures on ozone.

The EPA has recently provided guidance which modifies in part the States' requirement to submit all rules necessary to meet the ROP reduction by November 15, 1993. Texas will submit rules to meet the ROP reduction in two phases. Phase I will consist of a core set of rules comprising at least 70% of the required reductions. This phase will be submitted by the original deadline of November 15, 1993. Phase II will consist of any remaining percentage toward the 15% net of growth reductions, as well as additional contingency measures to obtain an additional 3.0% of reductions. Phase II will be submitted by November 15, 1994. A commitment listing the rules to achieve the additional percentages and contingency measures will be submitted in conjunction with the Phase I SIP by November 15, 1993.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five-year period the proposed sections are in effect, the annual cost to state and local governments associated with additional enforcement requirements is estimated at \$10,000 for SOCMI reactor/distillation