

# Texas Register

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up-to-date records sufficient to demonstrate continuous compliance with the applicable exemption criteria including, but not limited to, the VOC concentration of all such materials stored, processed, or handled at the affected property and any other necessary operational information.

(2) Affected persons shall install and maintain monitors to continuously 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) the exhaust gas temperature immediately downstream of any direct-flame incinerator;

(B) the gas temperature immediately upstream and downstream of any catalytic incinerator or chiller;

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

(D) the inlet and outlet VOC concentration of any steam or air stripper; and

(E) 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.

(3) Affected persons shall maintain the results of any inspection conducted in accordance with the provisions specified in §115.144 of this title (relating to Inspection Requirements).

(4) Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.145 of this title (relating to Testing Requirements).

(5) All records shall be maintained at the affected facility for at least 2 years and be made available upon request to representatives of the Texas Air Control Board, U.S. Environmental Protection Agency, or any local air pollution control agency having jurisdiction in the area.

**§115.147. Exemptions.** For the Beaumont/Port Arthur and Houston/Galveston Areas, the following exemptions shall apply.

(1) any wastewater stream having a total flow rate greater than or equal to 1 liter per minute and a volatile organic

compound (VOC) concentration of less than 500 parts per million by weight (ppmw) at the point of generation;

(2) any wastewater stream having a total flow rate less than 1 liter per minute and a VOC concentration less than 10,000 ppmw.

**§115.149. Counties and Compliance Schedules.** All affected persons in the Beaumont/Port Arthur and Houston/Galveston Areas shall be in compliance with §115.142 of this title (relating to Control Requirements), §115.143 of this title (relating to Alternate Control Requirements), §115.144 of this title (relating to Inspection Requirements), §115.145 of this title (relating to Testing Requirements), §115.146 of this title (relating to Monitoring and Recordkeeping Requirements), and §115.147 of this title (relating to Exemptions) as soon as practicable, but no later than May 31, 1995.

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-9325252

Lane Hartsock  
Deputy Director  
Texas Air Control Board

Proposed date of adoption: November 12, 1993

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

### Municipal Solid Waste Landfills

#### • 31 TAC §§115.152, 115.153, 115.155-155.157, 115.159

The Texas Air Control Board (TACB) proposes new §§115.152, 115.153, 115.155-115.157, and 115.159, concerning Municipal Solid Waste Landfills (MSWLFs). The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency and the 1990 Amendments to the Federal Clean Air Act (CAA) 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 Dallas/Fort Worth ozone nonattainment area. The affected ozone nonattainment counties are Collin, Dallas, Denton, and Tarrant.

The proposed new §115.152, concerning Control Requirements, provides the criteria for the application of controls for landfills. Section 115.153, concerning Alternate Control Requirements, provides alternate methods of compliance that may be approved by the Executive Director. Section 115.155, concerning Testing Requirements, delineates

procedures that provide testing guidelines and procedures to maintain compliance. Section 115.156, concerning Monitoring and Recordkeeping Requirements, sets required procedures and schedules for continued monitoring of landfills and prescribes the periods for which certain records must be kept on the premises. Section 115.157, concerning Exemptions, lists conditions which exempt owners or operators of landfills from the provisions of this subchapter. Section 115.159, concerning Counties and Compliance Schedule, specifies the due date and affected persons that are required to comply with this subchapter.

The proposed amendments are part of a series of proposed revisions to Chapter 115 (Regulation V, concerning Control of Air Pollution From VOC) and the SIP to provide the required reductions in the ozone nonattainment areas as mandated by the 1990 CAA 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.

EPA has recently provided guidance which modifies in part the State's 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 the first five-year period the proposed rules are in effect, the estimated annual cost to state and local governments associated with construction, maintenance, and additional enforcement requirements would be \$1,000,000.

Mr. Hartsock has also determined that for the first five-year period the proposed rules are in effect, the public benefit anticipated as a result of implementing the proposed rules will be the satisfaction of CAA requirements, a substantial reduction of methane (CH<sub>4</sub>), which is known to collect at undesirable levels in the vicinity of landfills, carbon dioxide, and non-CH<sub>4</sub> organic compounds, some which are toxic and are known carcinogens.

Economic costs to small businesses, persons, and businesses required to implement the proposed measure may vary from \$5.00 to \$8.00 per year depending on the costs passed through to the operators or owners of MSWLFs.

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, Two Civic Center Plaza, El Paso; August 5, 1993, 2:30 p.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 a.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 the TACB regional offices. For further information, contact Jose T. Cavazos at (512) 908-1517.

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 new sections are proposed for adoption under the Texas Health and Safety Code, (Vernon 1990), the Texas Clean Air Act (TCAA), §382.17, which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### §115.152. Control Requirements.

(a) For the Dallas/Fort Worth ozone nonattainment area as defined in §115.10 of this title relating to definitions, no person shall operate or allow the operation of a municipal solid waste landfill (MSWLF) unless it is controlled in one of the following ways:

(1) the landfill is equipped with a control device which reduces volatile organic compounds emissions by 98% or to less than 20 parts per million by volume; or

(2) the landfill gas is routed to a gas collection and treatment system which processes the collected gas for subsequent use or sale.

(b) Any MSWLF that becomes subject to the provisions of subsection (a)(1) or

(2) of this section by exceeding provisions of §115.156 of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if capacity or emissions later fall below the exemption limits.

§115.153. *Alternate Control Requirements.* For all persons in the Dallas/Fort Worth ozone nonattainment area, 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.

§115.155. *Testing Requirements.* Compliance with §115.152 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulation 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 Code of Federal Regulation 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 21 (40 Code of Federal Regulation 60, Appendix A) for determining volatile organic compound leaks;

(4) Test Method 25 (40 Code of Federal Regulation 60, Appendix A) for determining total gaseous non-CH<sub>4</sub> organic emissions as carbon;

(5) Test Methods 25A or 25B (40 Code of Federal Regulation 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(6) Test Method 25C (40 Code of Federal Regulation 60, Appendix A) for determining non-CH<sub>4</sub> organic compound in landfill gases;

(7) determination of true vapor pressure using American Society for Testing and Materials Test Methods D323-89, D2879, D4953, D5190, or D5191 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with American Petroleum Institute Publication 2517, Third Edition, 1989; or

(8) minor modifications to these test methods approved by the Executive Director.

§115.156. *Monitoring and Recordkeeping Requirements.* For the Dallas/Fort Worth ozone nonattainment area, the following recordkeeping requirements shall apply.

(1) Any person who owns or operates a municipal solid waste landfill, shall maintain complete and up-to-date records sufficient to demonstrate compliance with the applicable exemption criteria including, but not limited to, an annual calculation of the volatile organic compound (VOC) emissions rate, at the affected property and any other necessary operational information.

(2) Persons affected shall install and maintain monitors to continuously 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) the exhaust gas temperature immediately down-stream of any direct-flame incinerator;

(B) the gas temperature immediately upstream and downstream of any catalytic incinerator or chiller;

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

(D) 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.

(3) Persons affected shall annually submit an emissions inventory report as required by §101.10 of this title (relating to Emissions Inventory Requirements). This report shall include:

(A) a map or plot of the landfill, providing the size and location, and identifying all areas where waste may be landfilled according to the provisions of the permit;

(B) the maximum design capacity;

(C) notification of any increase in the size of the landfill. The increase may result from:

(i) an increase in the permitted area or depth of the landfill;

(ii) a change in the operating procedures; or

(iii) any other means which will increase the maximum design capacity of the landfill;

(D) notification of closure.

(i) For purposes of this subchapter, closure means that:

(I) waste is no longer being placed in the landfill; and

(II) no additional wastes will be placed in the landfill without filing a notification of modification as prescribed by the Texas Water Commission.

(ii) Landfills that are closed permanently between reporting periods shall report as directed by §101.10 of this title and continue reporting until the landfill emissions are below 150 megagrams per year (167 tons per year).

**§115.157. Exemptions.** For the Dallas/Fort Worth ozone nonattainment area, the following facilities are exempt:

(1) any municipal solid waste landfill (MSWLF) having a total emission rate equal to or less than 150 megagrams (Mgs) per year (167 tons per year);

(2) any MSWLF with a capacity of less than 50,000 Mgs (55,500 tons);

(3) any MSWLF which closed or stopped receiving waste prior to November 8, 1987 and does not have the capacity to receive anymore waste.

**§115.159. Counties and Compliance Schedule.** All affected municipal solid waste landfills (MSWLFs) in the Collin, Dallas, Denton, and Tarrant counties shall be in compliance with this undesignated head as soon as practicable, but no later than May 31, 1995.

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-9325253

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

Proposed date of adoption: November 12, 1993

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

## Subchapter C. Volatile Organic Compound Transfer [Marketing] Operations

### Loading and Unloading of Volatile Organic Compounds

#### • 31 TAC §§115.211, 115.212, 115.214-115.217, 115.219

The Texas Air Control Board (TACB) proposes amendments to §§115.211, 115.212, 115.214-115.217, and 115.219, concerning Loading and Unloading of Volatile Organic Compounds. 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 (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 compounds (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 §115.211, concerning Emission Specifications, reduce the emission limitation for gasoline terminals to 0.09 pound of VOC from the vapor recovery system vent per 1,000 gallons of gasoline transferred and clarify the applicability of existing requirements. The proposed amendments to §115.212, concerning Control Requirements, specify a minimum vapor recovery system control efficiency, move requirements for loading operations and unloading operations into separate paragraphs, reduce the applicability level from a VOC vapor pressure of 1.5 pounds per square inch absolute (psia) to 0.5 psia, require transport vessels to be kept vapor-tight at all times, delete an exemption for gauging and sampling, extend the "once-in, always-in" requirements for gasoline terminals and bulk plants to include all VOC loading and unloading operations, and clarify the applicability of existing requirements.

For consistency, the proposed amendments to §115.212 also add language to the existing requirements for Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties which specifies a minimum vapor recovery system control efficiency, moves requirements for loading operations and unloading operations into separate paragraphs, reduces the applicability level from a VOC vapor pressure of 1.5 psia to 0.5 psia, requires transport vessels to be kept vapor-tight at all times, and deletes an exemption for gauging and sampling.

The proposed amendments to §115.214, concerning Inspection Requirements, expand the inspection requirements to include railcars and clarify the applicability of existing requirements. The proposed amendments to §115.215, concerning Testing Requirements,

update the test methods for determining true vapor pressure. For consistency, the proposed amendments to §115.215 also apply to Gregg, Nueces, and Victoria Counties.

The proposed amendments to §115.216, concerning Monitoring and Recordkeeping Requirements, update cross-references, clarify existing requirements, and add recordkeeping requirements for VOC loading and unloading operations other than gasoline terminals and gasoline bulk plants. For consistency, the proposed recordkeeping requirements are also proposed for Gregg, Nueces, and Victoria Counties.

The proposed amendments to §115.217, concerning Exemptions, reduce the exemption level from a VOC vapor pressure of 1.5 psia to 0.5 psia, eliminate the exemptions for crude oil and condensate, update cross-references, and clarify the applicability of existing requirements. For consistency, the proposed amendments to §115.217 also add language to the existing requirements for Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties which reduces the exemption level from a VOC vapor pressure of 1.5 psia to 0.5 psia, updates cross-references, and clarifies the applicability of existing requirements.

The proposed §115.219, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance dates for the new requirements. The TACB also proposes to change the title of Subchapter C from Volatile Organic Compound Marketing Operations to Volatile Organic Compound Transfer Operations to more accurately reflect the content of this subchapter.

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