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system as required by §§115.241-115.249 of this title (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) or January 31, 1994, whichever occurs first.

(b) All affected facilities in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties which have dispensed more than 10,000 gallons of gasoline in any calendar month after January 1, 1991, but less than 120,000 gallons of gasoline per year, and for which construction began prior to November 15, 1992 shall be in compliance with this undesignated head (relating to Stage I Filling of Gasoline Storage Vessels) as soon as practicable, but no later than the installation of a Stage II vapor recovery system as required by §§115.241-115.249 of this title or January 31, 1994, whichever occurs first.

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.

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Lane Hartssock
Deputy Director
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

Control of Volatile Organic Compound Leaks From Transport Vessels [Gasoline Tank-Trucks]

• 31 TAC §§115.234-115.237, 115.239

The Texas Air Control Board (TACB) proposes amendments to §§115.234-115.236, 115.239, and new §115.237, concerning Control of Volatile Organic Compound Leaks from Gasoline Tank-Trucks. The TACB proposes to change the title of the undesignated head to Control of Volatile Organic Compound Leaks from Transport Vessels and 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 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 de-

velop 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 §115.234, concerning Inspection Requirements; §115.235, concerning Testing Requirements; and §115.236, concerning Recordkeeping Requirements, extend the requirement that gasoline tank-trucks pass an annual leak-tightness test to include all tank-trucks transporting VOC with a true vapor pressure greater than or equal to 0.5 pounds per square inch absolute (psia). The proposed §115.237, concerning Exemptions, establishes exemptions for tank-trucks used exclusively to transport VOC with a true vapor pressure less than 0.5 psia and for transport vessels other than tank-trucks. The proposed changes to §115.239, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance dates for the new requirements.

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.

EPA has recently provided guidance which modifies in part the States' requirement to submit all rules necessary to meet the RFP reduction by November 15, 1993. Texas will submit rules to meet the RFP 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.

Mr. Lane Hartssock, Deputy Director of Air Quality Planning, has determined that for each year of the first five-year period the proposed sections are in effect, there would be no fiscal implications for state and local governments.

Mr. Hartssock also 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 satisfaction of FCAA Amendments and EPA requirements, VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard, and reduced public exposure to benzene and other air toxics. Economic costs to small businesses, persons, and businesses required to implement the proposed measures are associated with leak testing and record-keeping requirements and are estimated as follows: Per Transport Vessel-\$1,000, in 1994; \$1,000 in 1995; \$1,000 in 1996; and \$1,000 in 1997.

Any costs continuing beyond 1997 would be related to operating, maintenance, and recordkeeping requirements. All estimates are stated in 1993 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1993-1997.

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, 6:30 p.m., Houston-Galveston Area Council; Second Floor, Conference Room A, 3555 Timmons Lane, Houston; August 5, 1993, 2:30 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington; 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 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 and new section are proposed for adoption 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.

§115.234. Inspection Requirements. No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas as defined in §115.10 of this title (relating to Definitions), shall allow a [gasoline] tank-truck tank to be filled with or emptied of volatile organic compounds having a true vapor pressure greater than or equal to 0.5 pounds per square inch absolute under actual storage conditions at any facility affected by the undesignated head relating to Loading and Unloading of Volatile Organic Compounds, [or] the undesignated head relating to Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities, or the undesignated head relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities unless the tank being filled or emptied has passed a leak-tight test within the past year as evidenced by a prominently displayed certification affixed near the Department of Transportation certification plate which:

(1) shows the date the [gasoline] tank-truck tank last passed the leak-tight test required by §115.235 of this title (relating to Testing Requirements); and

(2) shows the identification number of the [gasoline] tank-truck tank.

§115.235. Testing Requirements. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following testing requirements shall apply.

(1) The owner or operator of any [gasoline] tank-truck which loads or unloads at any gasoline terminal, gasoline bulk plant, [or] motor vehicle fuel dispensing facility, or other volatile organic compound loading or unloading facility shall cause each such tank to be tested annually to ensure that the tank is vapor-tight.

(2)-(3) (No change.)

§115.236. Recordkeeping Requirements. For all affected persons in 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 each [a gasoline] tank-truck subject to this undesignated head (relating to Control of Volatile Organic Compound Leaks from Transport Vessels) [regulation] shall maintain records of all certification testing and repairs. The records must be maintained for

at least two years after the date the testing or repair was completed.

(2)-(3) (No change.)

§115.237. Exemptions. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following exemptions shall apply.

(1) Any tank-truck tank which is used exclusively to transport volatile organic compounds (VOC) with a true vapor pressure less than 0.5 pounds per square inch absolute under actual storage conditions is exempt from the requirements of this undesignated head (relating to Control of Volatile Organic Compound Leaks from Transport Vessels).

(2) Until May 31, 1995, any tank-truck tank which is used exclusively to transport VOC other than gasoline is exempt from the requirements of this undesignated head (relating to Control of Volatile Organic Compound Leaks from Transport Vessels).

(3) Transport vessels other than tank-trucks are exempt from the requirements of this undesignated head (relating to Control of Volatile Organic Compound Leaks from Transport Vessels).

§115.239. Counties and Compliance Schedules.

(a) All affected gasoline tank-trucks [persons] in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.234 of this title (relating to Inspection Requirements); §115.235 of this title (relating to Testing Requirements); [and] §115.236 of this title (relating to Recordkeeping Requirements); and §115.237 of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994.

(b) All affected tank-trucks which are used to transport volatile organic compounds other than gasoline in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.234 of this title, §115.235 of this title, §115.236 of this title, and §115.237 of this title 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-9325258

Lane Hartsack
Deputy Director
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

Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities

• 31 TAC §§115.241-115.249

The Texas Air Control Board (TACB) proposes amendments to §§115. 241-115.249, concerning Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities. The existing Stage II gasoline vapor recovery requirements will continue to apply to motor vehicle fuel dispensing facilities in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties). However, the existing Stage II requirements for Collin, Dallas, Denton, and Tarrant Counties are being repropose pursuant to the Texas Health and Safety Code, §382.019(d), and subsequent to a recent federal appeals court ruling (NRDC v. EPA, CA DC, Number 92-1137, January 22, 1993). The TACB is specifically soliciting comments on whether the volatile organic compounds (VOC) emission reductions obtained from Stage II are necessary for attainment of the federal ozone ambient air quality standard in the Dallas/Fort Worth ozone nonattainment area in 1996.

In addition, the TACB proposes amendments to §§115.242, 115.243, 115. 244, 115.245, 115.246, 115.247, 115.248, and 115.249 for all 16 ozone nonattainment counties in order to clarify and improve enforceability of existing Stage II requirements and update the California Air Resources Board (CARB) certification date. Concurrently, the TACB proposes amendments to §§115.221-115.229, concerning Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities, in order to bring the existing Stage I requirements into alignment with the Stage II requirements and to improve enforceability. 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. In addition, the TACB concurrently proposes amendments to the Stage II SIP to reflect the proposed amendments to §§115.242, 115.243, 115. 244, 115.245, 115.246, 115.247, 115.248, and 115.249.

The proposed §115.241, concerning Emission Specifications, specifies a required control efficiency of 95%. The proposed §115.242, concerning Control Requirements, specifies that Stage II vapor recovery systems selected for installation must be certified