

# Texas Register

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tions of the marine vessel's classification society or flag state. Cargo tank pressure/vacuum valves shall be operating within the range specified by the marine vessel's classification society or flag state and seated when tank pressure is less than 80% of set point pressure such that no vapor leaks can be detected by sight, sound, or smell. As an alternative, a marine vessel operated at negative pressure is assumed to be leak-free for the purpose of this standard.

**[Leakless Valve]**—Any valve which meets the conditions of either subparagraph (A) or (B) of this definition.

[(A) a valve which can be demonstrated by performance (including gas testing or hydraulic testing at no less than normal operating pressure adjustments made as necessary to obtain leak free performance) or design to prevent or contain a leak of VOC, as defined in §115.352 of this title (relating to Fugitive Control Requirements), from the valve stem packing (including, but not limited to, bellows and diaphragm valves);

[(B) a valve which can be demonstrated by performance or design to prevent a leak of VOC, as defined in §115.352 of this title, at the outlet of the valve (including, but not limited to, valves that stop the process flow through the use of nonrotating plug stems.)

**Marine loading facility**—The loading arm(s), pumps, meters, shutoff valves, relief valves, and other piping and valves that are part of a single system used to fill a marine vessel at a single geographic site. Loading equipment that is physically separate (i.e., does not share common piping, valves, and other loading equipment) is considered to be a separate marine loading facility.

**Marine loading operation**—The transfer of oil, gasoline, or other volatile organic liquids at any affected marine terminal, beginning with the connections made to a marine vessel and ending with the disconnection from the marine vessel.

**Marine terminal**—Any marine facility or structure constructed to load oil, gasoline, or other [which receives] volatile organic liquid bulk cargo [compounds (VOC) from a marine vessel or loads VOC] into a marine vessel. A marine vessel consists of one or more marine loading facilities.

**Polyester resin materials**—Unsaturated polyester resins, such as isophthalic, orthophthalic, halogenated, bisphenol A, vinyl ester, or furan resins; cross-linking agents; catalysts; gel coats; inhibitors; accelerators; promoters; and any other material containing volatile organic compounds used in polyester resin operations.

**Polyester resin operation**—A facility which fabricates or reworks products by mixing, pouring, hand laying-up, impregnating, injecting, forming, winding, spraying, laminating, molding, curing, resin transfer, and/or pultrusion by using unsaturated polyester resin materials with fiberglass, fillers, or any other reinforcement materials.

**Sanding sealers**—Clear wood coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of varnish. To be considered a sanding sealer, a coating must be clearly labeled as such.

**Shellacs**—Clear or pigmented coatings formulated solely with the resinous secretions of the lac beetle (laccifer lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

**Surface coating processes**—Operations which utilize a coating application system.

(A)-(L) (No change)

(M) **Wood parts and products coating**—The coating of wood parts and products, excluding factory surface coating of flat wood paneling.

**Varnishes**—Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air.

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 December 17, 1993.

TRD-9333817

Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Proposed date of adoption May 15, 1994

For further information, please call (512) 463-8159

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Subchapter B. General Volatile  
Organic Compound Sources  
Water Separation

• 30 TAC §115.132, §115.139

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §115.132 and §115.139, concerning Water Separation. The proposed changes have been developed in response to concerns expressed by industry with regards to the timing of the requirements of the proposed §§115.140-115.149, concerning Industrial Wastewater

The proposed changes to §115.132(a)(4), concerning Control Requirements, have been

developed in response to industry's request to apply a recent revision to the federally mandated "once-in, always-in" concept to all applicable rules.

The proposed changes to §115.139, concerning Counties and Compliance Schedules, has extended the compliance date for the American Petroleum Institute (API) separator rules to May 31, 1995, to allow for more time to determine if a facility will be regulated by the proposed Industrial Wastewater rule or if it will have to comply with the API separator rule. This is the latest date a Control Techniques Guidelines (CTG) Reasonably Available Control Technology (RACT) rules, such as the API separator rule, may be complied with in accordance with the Federal Clean Air Act

Stephen Minick, budget and planning division, 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, small businesses, persons, and businesses required to implement the proposed amendment.

Mr. Minick 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, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard

Public hearings on this proposal will be held at the following times and places: January 24, 1994, 7:00 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, Texas, January 26, 1994, 6:00 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, Texas, and January 27, 1994, 7:00 p.m., Irving Central Library, 801 West Irving Boulevard, Irving, Texas

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 TNRCC, Office of Air Quality, Regulation Development Section, P.O. Box 13087, Austin, Texas 78711-3087, no later than February 11, 1994. Material received by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Section of the TNRCC Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, Texas 78753, and at all TNRCC Air Program regional offices. For further information, contact Chuck Mueller at (512) 239-1916

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 475-2245. Requests should be made as far in

advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### §115.132. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, no person shall use any single or multiple compartment volatile organic compound (VOC) water separator which separates materials containing VOC obtained from any equipment which is processing, refining, treating, storing, or handling VOC, unless each compartment is controlled in one of the following ways.

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

(4) Any water separator that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.137(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below the exemption limits unless and until emissions are reduced to at or below the controlled emissions level existing prior to implementation of the project by which throughput or emission rate was reduced; and

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 of this title (relating to Control of Air Pollution). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

(B) if no permit or standard exemption is required for the project, the owner/operator has given the TNRCC 30 days' notice of the project in writing.

(b)-(c) (No change.)

#### §115.139. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Water Separation) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend,

Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.131(a) of this title (relating to Emission Specifications), §115.132(a) of this title (relating to Control Requirements), §115.133(a) of this title (relating to Alternate Control Requirements), §115.135(a) of this title (relating to Testing Requirements), §115.136(a) of this title (relating to Monitoring and Recordkeeping Requirements), and §115.137(a) of this title (relating to Exemptions) as soon as practicable, but no later than May 31, 1995 [July 31, 1994]. Sections 115.131(c) of this title, 115.132(c) of this title, 115.133(c) of this title, and 115.137(c) of this title shall no longer apply in Hardin and Montgomery Counties after May 31, 1995 [July 31, 1994].

(2) All persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties affected by §115.131(a)(4) of this title and §115.137(a)(1)-(3) of this title shall be in compliance as soon as practicable, but no later than May 31, 1995 [July 31, 1994].

(b) (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 December 17, 1993.

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Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Proposed date of adoption: May 15, 1994

For further information, please call: (512) 463-8159

#### Municipal Solid Waste Landfills

• 30 TAC §§115.152, 115.153, 115.156, 115.157, 115.159

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.152, 115.153, 115.156, 115.157, and 115.159, concerning Municipal Solid Waste Landfill Facilities (MSWLF). 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 (CAA) for states to develop and adopt the Rate-of-Progress (ROP) State Implementation Plan (SIP). 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. These rules regarding landfills extend existing rules to Brazoria, Chambers, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgom-

ery, and Waller Counties.

The proposed amendment to §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 115.156, 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 the Phase II rules in a series of proposed revisions to Chapter 115 (concerning Control of Air Pollution From VOCs) 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. 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.

Texas is submitting rules to meet the ROP reduction in two phases. Phase I rules comprised a significant portion of the required reductions and were submitted by the original deadline of November 15, 1993. Phase II consists 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.

Stephen Minick, budget and planning division, has determined that for each year of the first five-year period the proposed sections are in effect, there will be fiscal cost implications for state and local governments of \$80,000 to \$100,000 to implement the program. Economic costs to businesses required to implement the proposed control measures are estimated to be \$306,000 for the initial installation of control equipment and \$75,000 per year for operating costs for each landfill with 32 wells, monitoring equipment, and a candle flare. Any costs beyond 1998 would be associated with the ongoing operating and statutory requirements. All estimates are stated in 1994 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1994-1998.

Mr. Minick also has determined that for the first five-year period the proposed sections are in effect, the public benefit anticipated as