

Texas Register

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§115.353. Alternate Control Requirements. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any 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.

§115.354. Inspection Requirements. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall conduct a monitoring program consistent with the following provisions.

(1)-(9) (No change.)

§115.355. Approved Test Methods. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with this undesignated head (relating to Fugitive Emission Control in Petroleum Refining and Petrochemical Processes) shall be determined by applying the following test methods, as appropriate:

(1)-(4) (No change.)

§115.356. Monitoring and Recordkeeping Requirements. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, shall have the following recordkeeping requirements:

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

§115.357. 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) (No change.)

(2) [Sealless/leakless valves (including, but not limited to, bellows and diaphragm valves), storage] Storage tank valves, pressure relief valves equipped with a rupture disc or venting to a control device, components in continuous vacuum service, and valves that are not externally regulated (such as in-line check valves) are exempt from the requirements of this undesignated head.

(3)-(8) (No change.)

(9) Valves rated greater than 10,000 pounds per square inch gauge (psig) are exempt from the requirements of §115.352(a)(4) of this title (relating to

Control Requirements).

§115.359. Counties and Compliance Schedules. All affected persons in Brazoria, Chambers, Collin, El Paso, Dallas, Denton, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.352 of this title (relating to Control Requirements), §115.353 of this title (relating to Alternate Control Requirements), §115.354 of this title (relating to Inspection Requirements), §115.355 of this title (relating to Testing Requirements), §115.356 of this title (relating to Monitoring and Recordkeeping Requirements), and §115.357 of this title (relating to Exemptions) as soon as practicable, but no later than November 15, 1996.

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-9333821

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 E. Solvent-Using
Processes
Degreasing and Clean-up
Using Processes**

• **30 TAC §§115.412,
115.415-115.417, 115.419**

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.412, 115.415-115.417, and 115.419, concerning Degreasing Processes. 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). 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 ozone nonattainment counties affected by this proposal are Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller.

The proposed changes to §115.412, concerning Control Requirements, add a limitation on acetone usage at cultured (synthetic) marble and fiber reinforced plastic (FRP) operations

and specify acceptable acetone substitutes. The proposed changes to §115.415, concerning Testing Requirements, update the test methods for determining true vapor pressure. The proposed changes to §115.416, concerning Recordkeeping Requirements, add recordkeeping requirements for cultured marble and FRP facilities affected by §115.412(a)(4) and §115.417(a)(3). The proposed changes to §115.417, concerning Exemptions, specify an exemption for small users of polyester resin and delete an obsolete paragraph. The proposed changes to §115.419, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance date for the new requirements, and remove obsolete paragraphs. The TNRCC also proposes to change the title of the undesignated head from Degreasing Processes to Degreasing and Clean-up Processes to reflect the content of the proposed amendments.

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 VOC) 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. 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 would be no fiscal implications for state and local governments. There are also no fiscal implications for small businesses, individuals, and businesses required to implement the proposed measures.

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 Eddie Mack at (512) 239-1488

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 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.

§115.412. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply.

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

(4) In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas acetone usage at polyester resin operations, as defined in §115.10 of this title (relating to Definitions), is limited as follows (with usage defined as gross purchased minus inventory minus waste disposed).

(A) Monthly acetone usage at cultured (synthetic) marble operations is limited to no more than 2.0% by weight of the total monthly polyester resin usage, including gelcoat.

(B) Monthly acetone usage at fiber reinforced plastic manufacturing operations is limited to no more than 1.0% by weight of the total monthly polyester resin usage, including gelcoat.

(C) Any cleanup solvent used as a replacement for acetone must have a true vapor pressure not greater than two millimeters of Mercury at 68 degrees Fahrenheit, or must contain no more than 5.0% by weight volatile organic compounds.

(b) (No change.)

§115.415. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following testing requirements shall apply.

(1) Compliance with §115.412(a)(1) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as applicable:

(A) determination of true vapor pressure using American Society for Testing Materials (ASTM) Test Method [D323-82] D323-89, ASTM Test Method D2879, ASTM Test Method D4953, ASTM Test Method D5190, or ASTM Test Method D5191 for the measurement of Reid vapor pressure (RVP), adjusted for actual storage temperature in accordance with American Petroleum Institute (API) Publication 2517, Third Edition, 1989; or

(B) (No change.)

(2) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following testing requirements shall apply.

(1) Compliance with §115.412(b)(1) of this title shall be determined by applying the following test methods, as applicable.

(A) determination of true vapor pressure using ASTM Test Method D323-89, [D323-82] ASTM Test Method D2879, ASTM Test Method D4953, ASTM Test Method D5190, or ASTM Test Method D5191 for the measurement of RVP, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(B) (No change.)

(2) (No change.)

§115.416. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any polyester resin operation, or open

top vapor or conveyORIZED degreasing operation shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of the Texas Natural Resource Conservation Commission (TNRCC) [Texas Air Control Board], United States Environmental Protection Agency (EPA), or the local air pollution control agency having jurisdiction in the area:

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

(3) a record of monthly resin and acetone usage sufficient to document compliance with the requirements described in §115.412(a)(4) of this title (relating to Control Requirements);

(4) a record of monthly resin and acetone usage sufficient to document the applicability of the conditions for exemption referenced in §115.417(a)(3) of this title (relating to Exemptions).

(b) (No change.)

§115.417. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

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

(3) A polyester resin operation with a monthly resin usage, including gelcoat, of less than one ton is exempt from §115.412(a)(4) of this title (relating to Control Requirements).

[(3) Until July 31, 1993, degreasing operations located on any property in Brazoria, Galveston, Jefferson, and Orange Counties which can emit, when uncontrolled, a combined weight of VOCs less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412(a) of this title (relating to Control Requirements).]

(4)-(6) (No change.)

(b) (No change.)

§115.419. Counties and Compliance Schedules. All affected polyester resin operations in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller Counties shall be in compliance with §§115.412(a)(4), 115.416(a)(3)-(4), and 115.417(a)(3) of this title (relating to Control Requirements, Recordkeeping Requirements, and Exemptions) as soon as practicable, but no later than July 31, 1994.

[(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties

shall be in compliance with §115.412(a) of this title (relating to Control Requirements); §115.413(a) of this title (relating to Alternate Control Requirements); §115.415(a) of this title (relating to Testing Requirements); §115.416(a) of this title (relating to Recordkeeping Requirements); and §115.417(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

[(b) All persons in Brazoria, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.417(a)(3) of this title shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.]

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

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Graphic Arts (Printing) by Rotogravure and Flexographic Processes

• 30 TAC §115.432

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §115.432(a)(2), concerning Control Requirements. The proposed changes 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.

Stephen Minick, budget and planning division, has determined that for each year of the first five-year period the proposed section is in effect, there would be no cost to state and local governments. There are also no fiscal implications for facilities and small businesses affected by the definitions.

Mr. Minick also has determined that for the first five-year period the proposed section is in effect, the public benefit anticipated as a result of implementing the section will be satisfaction of Federal Clean Air Act (FCAA) Amendments and United States Environmental Protection Agency (EPA) requirements, and volatile organic compounds (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 Division 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 Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 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.

§115.432. *Control Requirements.*

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) the following control requirements shall apply.

(1) (No change.)

(2) Any graphic arts facility that becomes subject to the provisions of paragraph (1)(A), (B), or (C) of this subsection by exceeding provisions of §115.437(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below 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 Texas Natural Resource Conservation Commission 30 days' notice of the project in writing.

(3) (No change.)

(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.

TRD-9333823

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

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

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**Subchapter F. Miscellaneous Industrial Sources
Pharmaceutical Manufacturing Facilities**

• 30 TAC §115.532

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §115.532(a)(5), concerning Control Requirements. The proposed changes 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.

Stephen Minick, budget and planning division, has determined that for each year of the first five-year period the proposed section is in effect, there would be no cost to state and local governments. There are also no fiscal implications for facilities and small businesses affected by the definitions.

Mr. Minick also has determined that for the first five-year period the proposed section is in effect, the public benefit anticipated as a result of implementing the section will be satisfaction of Federal Clean Air Act (FCAA) Amendments and United States Environmental Protection Agency (EPA) requirements, and volatile organic compounds (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