

Texas Register

Volume 18, Number 96, December 24, 1993

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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.

TRD-9333822

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

◆ ◆ ◆
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

Proposed date of adoption: May 15, 1994

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

◆ ◆ ◆
**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

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 amendment is 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.

§115.532. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

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

(5) **Pharmaceutical manufacturing facility.** Any pharmaceutical manufacturing facility that becomes subject to the provisions of paragraphs (1) -(4) of this subsection by exceeding provisions of §115.537(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 stan-

ard 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 (TNRCC) 30 days' notice of the project in writing.

(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-9333824

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

Degassing or Cleaning of Stationary and Transport Vessels

• 30 TAC §§115.541-115.547, 115.549

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.541-115.547 and §115.549, concerning Degassing or Cleaning of Stationary and Transport Vessels to the El Paso and Dallas/Fort Worth ozone nonattainment areas. 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 proposed amendments expand coverage of Phase I rules adopted by the TNRCC on November 10, 1993, to the remaining ozone nonattainment areas. The counties affected by these amendments are Collin, Dallas, Denton, El Paso, and Tarrant.

The proposed amendment to §115.541, concerning Emission Specifications, applies the same emission limits proposed for the transfer of VOC, §115.211 of this title (concerning Loading and Unloading of VOC) to degassing

or cleaning of vessels. The proposed amendment to §115.542, concerning Control Requirements, requires vapors from degassing or cleaning of vessels to be controlled through vapor-tight fittings and piping to a vapor recovery system. The proposed amendment to §115.543, concerning Alternate Control Requirements, provides for facilities to apply to the Executive Director for alternate control requirements which are substantially equivalent to those required by §115.542. The proposed amendment to §115.544, concerning Inspection Requirements, requires leak inspections for vapor recovery systems and during degassing or cleaning operations. The proposed amendment to §115.545, concerning Testing Requirements, lists the authorized test methods to be used in determining compliance with §115.541 and §115.542. The proposed amendment to §115.546, concerning Monitoring and Recordkeeping Requirements, details monitoring and recordkeeping requirements which are necessary to verify proper compliance with requirements of this undesignated head. The proposed amendment to §115.547, concerning Exemptions, exempts certain vessels which store or transport low vapor pressure VOC which is below preset volume limits, or short-term maintenance operations conducted on stationary storage tanks. The proposed new §115.549, concerning Counties and Compliance Schedules, specifies the applicable counties and a November 15, 1996, compliance date for the new requirements.

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 ROP 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 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 the first five-year period the proposed changes are in effect, the annual cost to state and local governments are estimated at \$30,000, which would primarily be the result of hiring additional personnel to inspect and monitor these