

# Texas Register

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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-

dard 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

new requirements. Economic costs to small businesses, persons, and businesses required to implement the proposed control measures may vary from no cost if the facility already has add-on control equipment, to about \$890,000 plus the cost of fuel for a combustion device or \$1,435,000 minus product recovered for a carbon regeneration system. These costs estimates include monitoring equipment. Costs associated with vessel degassing and/or cleaning vary greatly with the maximum cost associated with large stationary storage tanks, being between \$10,000 to \$20,000. Many facilities will be required to install add-on equipment for proposed rules for loading and unloading of VOCs so that these costs would be shared by the facility for compliance with several proposed rules.

Any costs continuing beyond 1997 would be 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.

Mr. Minick also has determined that for the first five-year period the proposed changes are in effect, the public benefit anticipated as a result of enforcing the proposed changes will be satisfaction of the FCAA Amendments and the 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.

Public hearings on this proposal are scheduled for the following times and places: January 26, 1994, 6:00 p.m., City of El Paso, 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

#### §115.541. Emission Specifications

(a) For all persons 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), the following emission specifications shall apply to degassing during or in preparation of cleaning.

(1)-(2) (No change)

(b) For all persons in the Beaumont/Port Arthur and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply to degassing during or in preparation of cleaning for all VOC marine vessels, as defined in §115.10 of this title, with a nominal storage capacity of 10,000 barrels (420,000 gallons) or more.

[(3) For all VOC marine vessels, as defined in §115.10 of this title, with a nominal storage capacity of 10,000 barrels (420,000 gallons) or more]

(1)[(A)] No person shall permit VOC emissions with a vapor space partial pressure greater than or equal to 0.5 psia (3.4 Kpa) under actual storage conditions unless the vapors are processed by a vapor control system.

(2)[(B)] The vapor control system shall maintain a control efficiency of at least 90%.

(3)[(C)] When conducting degassing or cleaning operations, no avoidable liquid or gaseous leaks, as detected by sight or sound, shall originate from the degassing or cleaning operations.

(4)[(D)] The intentional bypassing of a vapor control device used during degassing or cleaning is prohibited. Any visible VOC leak originating from the vapor control device or other associated product recovery device shall be repaired as soon as practical.

(5)[(E)] All VOC marine vessels, as defined in §115.10 of this title, shall have all cargo tank closures properly secured, or maintain a negative pressure within the tank when a closure is opened, and shall have all pressure/vacuum relief valves operating within certified limits as specified by classification society or flag state until the vapors are discharged to a vapor control system if the vessel is degassed or cleaned.

#### §115.542. Control Requirements

(a) For all persons in the Beau-

mont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply to stationary storage tanks and transport vessels

(1)-(5) (No change.)

(b) (No change.)

§115.543. Alternate Control Requirements. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this redesignated head 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.

§115.544. Inspection Requirements. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following inspection requirements shall apply.

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

§115.545. Approved Test Methods. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.541 and §115.542 of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate.

(1)-(10) (No change.)

§115.546. Monitoring and Recordkeeping Requirements. For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas affected by §115.541 and §115.542 of this title (relating to Emission Specifications and Control Requirements), the owner or operator of any volatile organic compound (VOC) degassing or cleaning facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction in the area:

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

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

(1)-(5) (No change.)

*§115.549. Counties and Compliance Schedules.* All affected persons in the 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 this undesignated head, 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-9333825

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

### Petroleum Dry Cleaning Systems

- 30 TAC §§115.552, 115.553, 115.555-115.557, 115.559

The Texas Natural Resource Conservation Commission (TNRCC) proposes new §§115.552, 115.553, 115.555-115.557, and 115.559, concerning Petroleum Dry Cleaning Systems. This new undesignated head will be included in Subchapter F, concerning Miscellaneous Industrial Sources. 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 new §115.552, concerning Control Requirements, identifies several control options that a petroleum-based dry cleaning facility may use to reduce VOC emissions. Control requirements are categorized to include replacement of the standard dryer with a recovery dryer or any other control device capable of reducing solvent consumption or emissions by 85% by weight, replacement of the washer filter system with a cartridge filter system or enhanced maintenance and handling of the existing filter, and reducing fugitive emissions by conducting frequent inspection and maintenance of all components of a facility. The proposed new §115.553, concerning Alternate Control Re-

quirements, provide facilities the option of using alternate methods of control if emission reductions are demonstrated to be equivalent as approved by the Executive Director.

The proposed new §115.555, concerning Testing Methods and Procedures, identifies required test methods and procedures needed for demonstrating initial compliance. The proposed new §115.556, concerning Recordkeeping Requirements, requires dry cleaning facilities to record their solvent consumption and results of any performed tests or documentation used for initial demonstration of compliance. The proposed new §115.557, concerning Exemptions, specify an exemption from some of the control requirements for small dry cleaning facilities which consumes less than 2,000 gallons per year of petroleum solvent. The proposed changes to §115.559, concerning Counties and Compliance Schedules, specify the applicable counties and the compliance date.

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 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. 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. Economic costs to small businesses, persons, and businesses required to implement the proposed control measures are estimated to range between \$25,000 to \$35,000 for the initial installation of control equipment. Significant savings, however, are expected to result from the installation of the control equipment. The operating cost of the facility will be reduced due to the recovery dryer's lower demand for steam and electricity. Cost savings will be gained from the value of the recovered solvent. It is estimated that a small size facility would be able to pay back the capital cost of its control equipment in seven years using the generated savings only. The cost effec-

tiveness is estimated at \$300 saved per ton of VOC reduced. 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 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, 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 Gus Eghneim at (512) 239-1965.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 239-2245. 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.

#### *§115.552 Control Requirements.*

(a) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the owner or operator of any dry cleaning facility which uses petroleum-based solvent shall not operate the facility unless the following requirements are satisfied:

- (1) Dryers. The owner or operator of a dryer shall either: