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§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.

(A) install, maintain, and operate a solvent recovery dryer that recovers at least 85% by weight of the used petroleum solvent,

(B) install, maintain, and operate a petroleum dry-to-dry dryer that recovers at least 85% by weight of the used petroleum solvent, or

(C) route the exhaust air stream from the standard dryer to any other properly functioning control device which reduces the total emissions of volatile organic compounds (VOC) to the atmosphere by at least 85% by weight

(2) Filtration Systems The owner or operator of a petroleum solvent filtration system shall either

(A) install, maintain, and operate a cartridge filtration system according to the manufacturer's recommendations. The owner or operator shall drain all filter cartridges in their closed housings for at least eight hours before their removal, or

(B) maintain and operate a regenerative filter or any other filtration medium according to the manufacturers' recommendations. The owner or operator shall drain the filter medium in its closed housing for at least eight hours before its removal. Upon removal, the owner or operator shall directly place the filter medium in disposable vapor tight containers or bags and shall keep these containers or bags vapor tight at all times until they are properly landfilled

(3) Fugitive Emissions The owner or operator shall ensure that

(A) there are no perceptible leaks detected by visual, audible, or olfactory means from any portion of the dry cleaning equipment. Visual inspection of all equipment and system components shall be conducted at least weekly,

(B) all washer and dryer traps, access doors, and other parts of the equipment where solvent may be exposed to the atmosphere are kept closed at all times except when required for proper operation or maintenance,

(C) all solvent-contaminated waste materials are stored in closed containers prior to proper disposal,

(D) repair of any perceptible leak in any portion of the equipment be

completed within three working days from the time the leak is detected. If necessary repair parts are not on hand, the owner or operator shall order the necessary parts within three working days and shall repair the leak no later than three working days after the parts arrive

(b) Any petroleum solvent dry cleaning facility that becomes or is currently subject to the control requirements of §115.552 of this title (relating to Control Requirements) by exceeding the exemption threshold will remain subject to these provisions even if its consumption of petroleum solvent later falls below the exemption level

§115.553 Alternate Control Requirements For all affected persons in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), 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

§115.555 Testing Methods and Procedures.

(a) To demonstrate initial compliance with the provisions of §115.552(a)(1)(A) of this title (relating to Control Requirements), the owner or operator of an affected facility shall perform an initial test to verify that the flow rate of recovered solvent from the recovery dryer is no greater than 1.7 fluid ounces per minute (50 milliliters per minute) at the termination of the recovery cycle. The test shall be conducted for a duration of two weeks during which no less than 50% of the dryer loads shall be monitored for their final recovered solvent flow rate. The location point for measuring the flow rate of recovered solvent shall be the outlet of the solvent-water separator. Near the end of the recovery cycle, the entire flow of recovered solvent should be diverted to a graduated cylinder. As the recovered solvent collects in the graduated cylinder, the elapsed time is monitored and recorded in periods of greater than or equal to one minute. At the same time, the volume of solvent in the graduated cylinder is monitored and recorded to determine the volume of recovered solvent that is collected during each time period. The recovered solvent flow rate is calculated by dividing the volume of solvent collected per period by the length of time elapsed during the period and converting the results with appropriate factors into units of ounces or milliliters per minute. The recovery cycle and the monitoring pro-

cedure should continue until the flow rate of solvent is less than or equal to 1.7 fluid ounces per minute (50 milliliters per minute).

(b) To demonstrate initial compliance with the provisions of §115.552(a)(1)(C) of this title (relating to Control Requirements), the owner or operator of an affected facility shall apply the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous non-methane organic emissions as carbon;

(4) Test Methods 25A (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(5) minor modifications to these test methods approved by the Executive Director.

§115.556. Recordkeeping 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 maintain records of monthly solvent consumption for at least two rolling years in a readily accessible location at the plant site. Solvent consumption of the previous consecutive 12 months shall be calculated monthly and used for determining if the exemption threshold in §115.557 of this title (relating to Exemptions) has been exceeded.

(b) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title, the owner or operator of a dry cleaning facility subject to the requirements of §115.552 of this title (relating to Control Requirements) shall maintain:

(1) records of the performance test required under the provisions of §115.555(a) of this title (relating to Test Methods and Procedures) if the facility elects to comply with the control requirements of §115.552(a)(1)(A);

(2) documentation which demonstrates compliance with the provisions of §115.555(b) if the facility elects to comply with the control requirements of §115.552(a)(1)(C).

§115.557. Exemptions. For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), any petroleum solvent dry cleaning facility that consumes less than 2,000 gallons of petroleum solvent per year is exempted from the requirements of §115.552(a)(1).

§115.559. Counties and Compliance Schedules.

(a) For all counties in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), affected petroleum solvent dry cleaning facilities shall be in compliance with this undesignated head as soon as practicable, but no later than November 15, 1996.

(b) Any petroleum solvent dry cleaning facility that becomes subject to the control requirements of §115.552(a)(1) of this title (relating to Control Requirements) by exceeding the exemption threshold as identified in §115.557 of this title (relating to Exemptions) shall be in compliance as soon as practicable, but no later than two years from the time the exemption level was exceeded.

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

Chapter 261. Introductory Provisions

Subchapter A. General Provisions

• 30 TAC §261.13

The Texas Natural Resource Conservation Commission (Commission) proposes new §261.13, concerning inscriptions on state-owned vehicles.

This section will provide the Special Investigations Unit of the TNRCC the ability to conduct criminal investigations without alerting the possible target.

Stephen Minick, division of budget and planning, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Minick also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcement of and compliance with the section are increased improvements in the commissions efforts to enforce state environmental laws and regulations, more effective enforcement and administrative procedures, and enhancements in the quality of the land, water, and air resources of the state. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

The new section is proposed under the Texas Water Code, §5.102 and §5.105, which provides the Commission with the authority to adopt any rules necessary to carry out its powers and duties. The new section implements the Texas Civil Statutes, Article 6701m-1, as mentioned in the section

§261.13. Inscriptions on TNRCC Vehicles. Vehicles assigned to or used by the Special Investigations Unit of the Enforcement Policy Division of the Texas Natural Resource Conservation Commission are exempt from bearing the inscription required in Texas Civil Statutes, Article 6701m-1. These vehicles are to be used primarily in the detection and investigation of criminal violations of state and federal environmental laws. The purpose of exempting these vehicles from the inscription requirements of Article 6701m-1 is to increase the effectiveness of commission investigators in detecting and investigating criminal violations of state and federal environmental laws, thereby allowing investigative personnel to accomplish their tasks undetected and to provide a greater degree of safety for these investigators, the state property being used in the investigation, and a greater degree of case integrity.

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

Earliest possible date of adoption: January 24, 1994

For further information, please call: (512) 463-8069

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 13. Title IV-A Emergency Assistance Program

Program Requirements

• 40 TAC §§13.101, 13.105, and 13.110

The Texas Department of Human Services (DHS) proposes new §§13.101, 13.105, and 13.110, concerning overview, eligibility, and service provision, in its new Chapter 13, Title IV-A Emergency Assistance Program. The purpose of the new sections is to establish the Title IV-A Emergency Assistance Program. This program serves child protective services clients with a documented risk of child abuse or neglect or are at risk of having a child removed from the home as determined by Texas Department of Protective and Regulatory Services caseworkers. DHS proposes the new sections on the basis that an interagency cooperative agreement between DHS and TDPRS will delineate each agency's responsibilities in providing services.

Burton F. Raiford, commissioner, has determined that for the first five-year period the new sections will be in effect there will be no negative fiscal impact for state or local government as a result of enforcing or administering the sections. Implementation is planned to increase the federal funds available for programs to serve families with children at risk of abuse or neglect; however, the amount of the increase is not currently known and statistical and expenditure information to form projections will not be available until after implementation.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the availability of additional services to help stabilize families with children at risk of abuse or neglect. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the new sections.

Questions about the content of the proposal may be directed to Rita King at (512) 450-4148 in DHS's Client Self-Support Services. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-300, Texas Department of Human Services W-402, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 34, which provides the department with the authority to administer public assistance and emergency relief programs. The new sections implement the Human Resources Code, §22.002 and §34.001.

§13.101. Overview. The Texas Department of Human Services operates the Title IV-A Emergency Assistance Program through an interagency agreement with the