

TEXAS REGISTER

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Code (Vernon 1992), 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.

The proposed amendment and new section affect the Health and Safety Code, §382.017.

§101.10. Emissions Inventory Requirements.

(a) Applicability. The owner or operator of the following stationary sources in the State of Texas or on waters that extend 25 miles from the shoreline shall submit emissions inventories to the Texas Natural Resource Conservation Commission (TNRCC) on forms or other media approved by the TNRCC:

(1) A major facility/stationary source, as defined in §116.012 of this title (relating to Nonattainment Review Definitions) [§101.1 of this title (relating to Definitions)], and any stationary source in an ozone nonattainment area emitting a minimum of ten tons per year (TPY) volatile organic compounds (VOC), 25 TPY nitrogen oxides (NO_x), or 100 TPY carbon monoxide (CO)

(2)-(3) (No change.)

(b)-(f) (No change.)

§101.32. Inspection Requirements. For the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas as defined in §115.10 of this title (relating to Definitions), owners or operators of facilities which have been assigned the code number 28 or 29 as described in the document Standard Industrial Classification (SIC) Manual, 1972, as amended by the 1977 Supplement, shall, at a minimum, comply with the inspection preparation guidelines outlined in the September 1994 version of the TNRCC *Inspection Preparation Guidelines for Chemical, Petrochemical, and Refining Facilities (IPG)*, document number EG-31b. Upon request by authorized representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, or any local air pollution control program having jurisdiction, the owner or operator of the facility shall submit additional information relating to inspection preparations.

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 September 29, 1994.

TRD-9448832

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

Proposed date of adoption: January 11, 1995

For further information, please call: (512) 239-1970

◆ ◆ ◆
Chapter 115. Control of Air
Pollution From Volatile
Organic Compounds

Subchapter B. General Volatile
Organic Compound Sources
Storage of Volatile Organic
Compounds

• 30 TAC §§115.112-115.113,
115.115-115.117, 115.119

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.112, 115.113, 115.115, 115.116, 115.117, and 115.119, concerning Storage of Volatile Organic Compounds. The 1990 Amendments to the Federal Clean Air Act (FCAA) require states to adopt a State Implementation Plan (SIP) which achieves a 15% net-of-growth reduction in the volatile organic compound (VOC) emissions level by November 15, 1996. The TNRCC submitted this required Rate-of-Progress (ROP) SIP to the United States Environmental Protection Agency (EPA) by May 13, 1994.

The FCAA further requires states to develop, adopt, and submit a Post-1996 ROP SIP and accompanying rules to EPA by November 15, 1994. This submittal must demonstrate how the Beaumont/Port Arthur and Houston/Galveston ozone nonattainment areas will achieve continuing reductions in VOC and/or nitrogen oxide (NO_x) emissions of 3.0% per year until 1999 for Beaumont/Port Arthur and 2007 for Houston/Galveston, or until attainment status is reached. The plan must also include an additional 3.0% of contingency measures to be implemented if the nonattainment area fails to meet a deadline.

The TNRCC plans to submit rules to achieve the first three years' reductions (or 9.0% net-of-growth). This "down payment" approach is designed to meet the requirements for the years 1997-1999. The final SIP will be based on Urban Airshed Modeling (UAM) using the Coastal Oxidant Assessment for Southeast Texas (COAST) data. The TNRCC plans to complete this modeling in 1996, at which time the state will develop any further rules necessary to reach attainment as evidenced by the model.

The proposed changes to §115.112, concerning Control Requirements, and §115.113, concerning Alternate Control Requirements, delete obsolete language and update a rule reference.

The proposed changes to §115.115, concerning Testing Requirements, update the test methods for determining true vapor pressure and add a reference to federal requirements for flares.

The proposed changes to §115.116, concerning Monitoring and Recordkeeping Requirements, add recordkeeping requirements for seal failures and the associated emissions. The purpose of the proposed changes is to

improve recordkeeping requirements for upset conditions and the associated emissions in order to improve rule effectiveness, resulting in additional emission reduction credits.

The proposed changes to §115.117, concerning Exemptions, delete obsolete language.

The proposed changes to §115.119, concerning Counties and Compliance Schedules, specify the affected counties and compliance schedule for the new recordkeeping requirements, and delete obsolete language.

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.

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 the EPA requirements, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Public hearings on this proposal will be held on October 31, 1994 at 7:00 p.m. at the Houston-Galveston Area Council, Conference Room A, 3555 Timmons Lane, Houston; on November 1, 1994 at 10:00 a.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and on November 2, 1994 at 11:00 a.m. at the City of Irving Central Library Auditorium, 801 West Irving Boulevard, Irving.

Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearings; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to each hearing and will answer questions before and after the hearings.

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 November 4, 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) 239-1459. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), 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.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.112. Control Requirements

(a)-(b) (No change)

(c) For all persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda, [Montgomery,] San Patricio, and Travis Counties, the following requirements shall apply.

(1) (No change)

(2) For floating roof storage tanks subject to the provisions of paragraph (1) of this subsection, the following requirements shall apply:

(A) There shall be no visible holes, tears, or other openings in any [the] seal or seal fabric

(B) (No change)

(3) No person in [Hardin,] Matagorda [, Montgomery,] or San Patricio Counties shall place, store, or hold crude oil or condensate in any stationary tank, reservoir, or other container, unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is equipped with one of the following vapor-loss control devices, properly maintained and operated

(A)-(B) (No change)

§115.113 Alternate Control Requirements

(a) 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 section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent [based on Compilation of Air Pollutant Emission Factors (AP-42) emission factors (4th Edition, September, 1985)]

(b) For all persons in Gregg, Nueces, and Victoria Counties, 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be

substantially equivalent [based on Compilation of Air Pollutant Emission Factors (AP-42) (4th Edition, September, 1985)].

(c) For all persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda, [Montgomery,] San Patricio, and Travis Counties, 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent [based on AP-42 emission factors (4th Edition, September, 1985)]

§115.115 Testing Requirements

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.112(a) of this title (concerning Control Requirements) shall be determined by applying the following test methods, as appropriate

(1) (6) (No change)

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

(8) (No change)

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.112(b) of this title shall be determined by applying the following test methods, as appropriate

(1) (6) (No change)

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

(8) (No change)

§115.116 Monitoring and Recordkeeping Requirements

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following recordkeeping requirements shall apply

(1) (No change)

(2) The results of inspections required by §115.114(a) of this title (relating to Inspection Requirements) shall be recorded, including:

(A) total area of secondary seal gaps greater than one square inch per foot of tank diameter; and

(B) calculation of excess emissions in accordance with the September 1994 version of the Texas Natural Resource Conservation Commission (TNRCC) Inspection Preparation Guidelines for Chemical, Petrochemical, and Refining Facilities (IPG), document number RG-31b, for all secondary seal gaps greater than one square inch per foot of tank diameter. These calculated emissions shall be reported as upset emissions in the annual emissions inventory submittal.

(3)-(5) (No change)

(6) The owner or operator of any storage tank subject to the requirements of §115.112(a) of this title (relating to Control Requirements) shall comply with the inspection preparation guidelines outlined in the September 1994 version of the TNRCC IPG, document number RG-31b. Upon request by authorized representatives of the TNRCC, EPA, or any local air pollution control program having jurisdiction, the owner or operator of the storage tank shall submit additional information relating to inspection preparations.

(b) (No change)

§115.117 Exemptions

(a)-(b) (No change)

(c) For all persons in Aransas, Bexar, Calhoun, [Hardin,] Matagorda, [Montgomery,] San Patricio, and Travis Counties, the following exemptions apply.

(1)-(4) (No change)

§115.119 Counties and Compliance Schedules All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.116(a)(2)(A) -(B) and (6) of this title (relating to Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than December 31, 1995.

[(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.112(a) of this title (relating to Control Requirements), §115.113(a) of this title (relating to Alternate Control Requirements), §115.114(a) of this title (relating to Inspection Requirements)

ments), §115.115(a) of this title (relating to Testing Requirements), §115.116(a) of this title (relating to Monitoring and Recordkeeping Requirements), and §115.117(a) of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994. Sections 115.112(c) of this title, 115.113(c) of this title, and 115.117(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.]

[(b) All affected persons in Victoria County shall be in compliance with §115.116(b)(3) of this title 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 September 23, 1994.

TRD-9448833 Mary Ruth Holder
Director, Legal Services
Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: January 11, 1995

For further information, please call (512) 239-1970

Vent Gas Control

• 30 TAC §§115.121-115.123, 115.127

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.121, 115.123, and 115.127, concerning Vent Gas Control. The proposed amendment to §115.121, concerning Emission Specifications, corrects a rule reference. The proposed amendment to §115.122, concerning Control Requirements, clarifies the Once-In-Always-In (OIAI) language. OIAI is a United States Environmental Protection Agency (EPA) concept which means that once emissions from a source exceed the applicability cutoff for a particular VOC regulation in the SIP, that source is always subject to the control requirements of the regulation. The proposed amendment to §115.123, concerning Alternate Control Requirements, updates a rule reference. The proposed amendment to §115.127, concerning Exemptions, corrects typographical errors.

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.

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 the elimination of obsolete or incorrect rule language. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Public hearings on this proposal will be held on October 31, 1994 at 7:00 p.m. at the Houston-Galveston Area Council, Conference Room A, 3555 Timmons Lane, Houston; on November 1, 1994 at 10:00 a.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and on November 2, 1994 at 11:00 a.m. at the City of Irving Central Library Auditorium, 801 West Irving Boulevard, Irving.

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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 November 4, 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) 239-1459. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), 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.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.121 Emission Specifications

(a) (No change.)

(b) In Nueces and Victoria Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(b) [§115.122(b)(1)] of this title (relating to Control Requirements).

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

(c) (No change.)

§115.122 Control Requirements

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following control requirements shall apply:

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

(4) Any vent gas stream that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.127(a) of this title (relating to Exemptions) shall 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 less than the applicable exemption limits in §115.127(a) of this title; and:

(A) (No change.)

(B) if authorization by [no] permit or standard exemption is not 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)-(c) (No change.)

§115.123 Alternate Control Requirements

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas:

(1) 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 Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent. Direct-flame incineration specified for vent gas control in this undesignated head (relating to Vent Gas Control) is not intended as an exclusive emission control method for volatile organic compounds (VOC). In no event shall a vent gas stream be direct-flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. Alternate vapor recovery systems which achieve the percent reduction efficiencies equivalent to direct-flame incinerators, as stated in §115.122(a) of this title (relating to Control Requirements), do not require Executive Director approval.

(2) (No change.)

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

§115.127 Exemptions

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions apply: