

TEXAS REGISTER

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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.

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.

§115.121 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:

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

(5) For synthetic organic chemical manufacturing industry (SOCMI) reactor processes and distillation operations:

(A)-(B) (No change.)

(C) Any reactor process or distillation operation vent gas stream with a flow rate less than 0.011 standard cubic meters per minute or [and] a VOC concentration less than 500 parts per million by volume is exempt from the requirements of §115.121(a)(4) of this title (relating to Emission Specifications)

(6) (No change.)

(b) For all persons in Nueces and Victoria Counties, the following exemptions apply:

(1) (No change.)

(2) The following vent gas streams are exempt from the requirements of §115.121(b)(1) of this title:

(A) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(b)(2)-(3) [§115.121(b)(1)(B)-(C)] of this title equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period, and

(B) a vent gas stream with a concentration of the VOC or classes of compounds specified in §115.121(b)(2)-(3) [§115.121(b)(1)(B)-(C)] of this title less than 0.44 psia true partial pressure (30,000 ppm).

(c) (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 September 23, 1994.

TRD-9448834

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



Industrial Wastewater

• 30 TAC §§115.143, 115.147, 115.149

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§115.143, 115.147, and 115.149, concerning Industrial Wastewater. 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 30% 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 and develop any further rules necessary to reach attainment as evidenced by the model in 1996.

The proposed changes to §115.143, concerning Alternate Control Requirements, and §115.147, concerning Exemptions, update rule references. The proposed changes to §115.149, concerning Counties and Compliance Schedules, extend the industrial wastewater requirements to Beaumont/Port Arthur as a contingency rule.

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. If the proposed contingency rules are implemented, economic costs to small businesses, persons, or businesses required to implement the proposed control measures may vary from no cost if the facility has already or does not need add-on control equipment to the estimated total industry annual cost of \$120 million as stated in EPA's draft Control Techniques Guideline (CTG). The CTG also states that this equates to an average cost effectiveness (\$ per ton of VOC removed) of \$460/ton. Affected industries have disputed the suggested cost effectiveness and have submitted actual cost breakdowns from having to comply with the similar requirements of the Benzene National Emissions Standards for Hazardous Air Pollutants (NESHAPS). They suggest a range of cost effectiveness from as low as \$5,732/ton up to as high as \$420,796/ton.

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.

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 Chuck Mueller at (512) 239-1916.

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.

§115.143. Alternate Control Requirements. For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting compliance with applicable control requirements or exemption criteria in this undesignated head 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.

§115.147. Exemptions. For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

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

(6) The owner or operator of wastewater components subject to the con-