

TEXAS REGISTER

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(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-

tol requirements of §115.142 of this title may request an exemption determination from the Executive Director in accordance with §115.910 of this title [Chapter] (relating to Availability [Determination] of Alternate Means for Control) if the overall control of VOC emissions at the account from wastewater from affected source categories is at least 80% less than the 1990 baseline emissions inventory, and the following requirements are met.

(A)-(C) (No change.)

§115.149. Counties and Compliance Schedules.

(a) For Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller Counties [the Dallas/Fort Worth, El Paso, and Houston/Galveston areas], any person who is the owner or operator of an affected source category within a plant shall be in compliance with this undesignated head (relating to Industrial Wastewater) as soon as practicable, but no later than November 15, 1996.

(b) For Hardin, Jefferson, and Orange Counties, any person who is the owner or operator of an affected source category within a plant shall be in compliance with this undesignated head (relating to Industrial Wastewater) as soon as practicable, but no later than one year, after the Texas Natural Resource Conservation Commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the November 15, 1999 attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

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-9448835
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

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Municipal Solid Waste Landfills

• 30 TAC §115.159

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amend-

ment to §115.159, concerning Counties and Compliance Schedule for Municipal Solid Waste Landfills. The rule satisfies a portion of the requirement of the 1990 Amendments to the Federal Clean Air Act (FCAA) for states to adopt a State Implementation Plan (SIP) which achieves a 15% net-of-growth reduction in the level of volatile organic compound (VOC) emissions in moderate and above ozone nonattainment areas by November 15, 1996.

The proposed change to §115.159 extends the compliance date from May 31, 1995 to May 31, 1996 for municipal solid waste landfills required to install gas collection and control systems in the Dallas/Fort Worth ozone nonattainment area. This change would allow two-and-a-half years for implementation rather than the current one-and-a-half year schedule. Municipalities in the area have expressed need for additional time to implement these measures because of such factors as a misunderstanding of the scope of the rules, United States Environmental Protection Agency (EPA) estimates that a two-and-a-half year implementation schedule is reasonable, and the uncertainty caused by a delay in EPA promulgation of air emission standards for existing landfills under New Source Performance Standards (currently in final review at the Office of Management and Budget). The 1995 compliance date was to make a small contribution toward obtaining three years of monitored attainment data by 1996. The year 1996 is the FCAA designated attainment date for moderate areas. Because of monitored ozone exceedances in the Dallas/Fort Worth area in 1994, the 1996 summer ozone season is now the most important. The FCAA allows until November 15, 1996 to implement the 15% Rate-of-Progress (ROP) SIP emission controls, so the proposed change will not conflict with those requirements.

Mr. Stephen Minick, Budget and Planning Division, has determined that there are no fiscal implications for individuals, small businesses, persons, and state governments resulting from implementation of the proposed amendment. The fiscal implications for local governments are reduced costs of compliance for affected municipalities by allowing additional time for planning, budgeting and expenditure of resources.

Mr. Minick also has determined that the public benefit anticipated as a result of implementing the proposed amendment 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 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) 239-1459. Requests should be made as far in advance as possible.

The amendment is 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 amendment affects the Health and Safety Code, §382.017.

§115.159. Counties and Compliance Schedule.

(a) All affected municipal solid waste landfills (MSWLFs) in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with this undesignated head as soon as practicable, but no later than May 31, 1996 [1995].

(b) -(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.

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

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

