

# TEXAS REGISTER

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## Subchapter C. Volatile Organic Compound Transfer Operations

### Loading and Unloading of Volatile Organic Compounds

#### • 30 TAC §115.219

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §115.219, concerning Loading and Unloading 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<sub>x</sub>) 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 and develop any further rules necessary to reach attainment as evidenced by the model in 1996.

The proposed amendment to §115.219, concerning Counties and Compliance Schedules, establishes marine vessel loading control requirements as a contingency measure for the Beaumont/Port Arthur area.

Stephen Minick, Budget and Planning Division, has determined that if the proposed contingency rules become required measures, for each year of the first five-year period the proposed section is in effect, the annual cost to state and local governments is estimated at \$30,000 which would primarily be the result of hiring additional personnel to inspect and monitor facilities subject to these new requirements. If the proposed contingency rules are implemented, economic costs to small businesses, persons, and businesses required to implement the proposed 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 the value of product recovered, for a carbon adsorption system. These costs estimates include monitoring equipment. Some of the marine terminals already meet the emission

limitation included in this proposed revision. According to industry representatives, the cost may be as high as \$8 million.

Mr. Minick also has determined that for each year of the first five-year period the proposed section is in effect, the public benefit anticipated as a result of implementing the section will be satisfaction of FCAA amendments and EPA requirements, 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 IH35, 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 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.

#### §115.219. Counties and Compliance Schedules.

(a)-(b) (No change.)

(c) All affected marine terminals in Hardin, Jefferson, and Orange Counties shall be in compliance with §115.211(a), §115.212(a), §115.213(a), §115.214(a), §115.215(a), §115.216(a), and §115.217(a) of this title as soon as practicable, but no later than one year

after the Texas Natural Resource Conservation Commission (TNRCC) publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (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 (FCAA), §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-9448837      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

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter A. General Rules

#### • 34 TAC §3.9

The Comptroller of Public Accounts proposes an amendment to §3.9, concerning electronic filing of returns and reports, electronic transfer of certain payments by certain taxpayers. The amendment provides notice to taxpayers who pay by means of electronic funds transfer about the requirements for making protested tax payments.

Mike Reissig, chief revenue estimator, has determined that for the first five-year period the rule will be in effect there will be no significant revenue impact on the state or local government.

Mr. Reissig also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be in providing new information regarding tax responsibilities. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rule.

Comments on the proposal may be submitted to Joe A. Galvan, Jr., Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the comp-