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IN THIS ISSUE

Volume 20, Number 67 September 5, 1995

Page 6863-6963

Office of the Attorney General

Letter Opinions

(LO95-46)(ID#-34680)	6873
(LO95-47)(ID#-34818)	6873
(LO95-48)(ID#-33904)	6873

Opinions

(DM-359)(RQ-787)	6873
(DM-361)(RQ-747)	6873

Proposed Sections

Texas Department of Agriculture

Marketing and Development Division

4 TAC §§17.70-17.74	6875
---------------------------	------

Seed Division

4 TAC §19.3	6876
-------------------	------

Railroad Commission of Texas

Oil and Gas Division

16 TAC §3.10	6877
16 TAC §3.21	6877

State Board of Examiners for Speech-Language Pathology Audiology

Speech-Language Pathologists and Audiologists

22 TAC §741.65, §741.67	6879
22 TAC §741.85	6881
22 TAC §741.103	6883
22 TAC §741.181	6886
22 TAC §741.200	6887

TAC Titles Affected.....6957-6963

Contents Continued Inside



The Texas Register is printed on recycled paper

**Interagency Council on Early
Childhood Intervention Services**

Early Childhood Intervention
25 TAC §621.83 6887

**Texas Natural Resource
Conservation Commission**

General Rules
30 TAC §101.1 6888

**Control of Air Pollution From Volatile Organic
Compounds**

30 TAC §115.10 6889
30 TAC §§115.112, 115.114, 115.116, 115.117..... 6891
30 TAC §§115.121-115.123, 115.126, 115.127,
115.129..... 6894
30 TAC §115.212, §115.219 6898
30 TAC §§115.412, 115.413, 115.416, 115.417,
115.419..... 6899
30 TAC §§115.421-115.423, 115.425-115.427,
115.429..... 6901
30 TAC §§115.433, 115.435-115.437, 115.439..... 6905
30 TAC §§115.442, 115.443, 115.445, 115.446..... 6906
30 TAC §§115.512, 115.513, 115.517 6907
30 TAC §§115.541-115.543, 115.546, 115.547,
115.549..... 6908
30 TAC §115.950 6910

**Control of Air Pollution by Permits for New
Construction or Modification**

30 TAC §116.150 6910

**Control of Air Pollution from Nitrogen Com-
pounds**

30 TAC §117.451 6913
30 TAC §§117.510, 117.520, 117.530 6913
30 TAC §117.601 6914

General Land Office

Executive Administration

31 TAC §1.3 6915

Hearing Procedures

31 TAC §17.7 6918

School Land Board

Land Resources

31 TAC §155.1 6920
31 TAC §155.3 6921
31 TAC §155.15 6924

**Withdrawn Sections
School Land Board**

Land Resources
31 TAC §155.3 6929

Adopted Sections

Railroad Commission of Texas

Oil and Gas Division
16 TAC §3.14 6931

**Employees Retirement System of
Texas**

Deferred Compensation
34 TAC §87.7, §87.21 6932

Texas Youth Commission

Contracted Youth Services
37 TAC §83.45 6932

Tables and Graphics Sections

Tables and Graphics 6933

Open Meetings Sections

Texas Department of Agriculture 6939
Texas Commission on the Arts 6939
State Bar of Texas 6939
Texas Boll Weevil Eradication Foundation 6939
Texas Board of Chiropractic Examiners 6940
Texas Department of Criminal Justice 6940
Texas Commission for the Deaf and Hearing Im-
paired 6941
Texas Education Agency 6941
State Committee of Examiners in the Fitting and Dispens-
ing of Hearing Instruments 6942
Texas Department of Insurance 6943
Lamar University System 6943
Texas Natural Resource Conservation Commission... 6943
Board of Nurse Examiners 6943
Texas Board of Pharmacy 6944
Public Utility Commission of Texas 6944
Texas County and District Retirement System..... 6944
Texas Municipal Retirement System 6945
Teacher Retirement System of Texas 6945
The Texas A&M University System, Board of Re-
gents..... 6945
Texas Workforce Commission 6945
Regional Meetings..... 6945

In Addition Sections

Texas Commission on Alcohol and Drug Abuse

Notice of Request for Proposals 6947

State Auditor's Office

Consultant Proposal Request 6948

Office of Consumer Credit Commissioner

Notice of Rate Ceilings 6949

Texas Department of Health

Notice of Intent to Revoke Radioactive Material Licenses 6949

Texas Department of Human Services

Public Notice of Open Solicitation of LaSalle County 6949

Texas Department of Insurance

Company License 6949

Notice of Public Hearing 6950

Third Party Administrator Applications 6950

Texas Department of Mental Health and Mental Retardation

Notice of Cancellation of Public Hearing 6950

Notice of Public Hearing on Medicaid Rate 6951

Texas Natural Resource Conservation Commission

Notice of Availability and Request for Comments 6951

Notice of Petition to the EPA 6951

Notices of Public Hearing 6952

Public Utility Commission of Texas

Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27 6954

The University of Texas System

Consultant Proposal Requests 6954

§115.512. Control Requirements. For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply.

(1) In Nueces County, [and until December 31, 1992 in Brazoria, Galveston, Harris, Jefferson, and Orange counties,] the use of cutback asphalt containing volatile organic compound (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) In [Dallas, El Paso, and Tarrant counties, and after December 31, 1992 in counties other than Dallas, El Paso, and Tarrant in] the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the use of cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 7.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(3)-(4) (No change.)

§115.513. Alternate Control Requirements. For all affected persons in Nueces County and 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.

§115.517. Exemptions. For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following are exempt from the provisions of §115.512(3) of this title (relating to Control Requirements):

(1) asphalt concrete made with cutback asphalt, used for patching, which is stored in a long-life stockpile (longer than one-month storage) [stockpile storage of cutback asphalt]; and

(2) (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 August 30, 1995.

TRD-9510953

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

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

◆ ◆ ◆
Degassing or Cleaning of Stationary, Marine, and Transport Vessels

• 30 TAC §§115.541-115.543,
115.546, 115.547, 115.549

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.541, 115.542, 115.543, 115.546, 115.547, and 115.549, concerning Degassing or Cleaning of Stationary, Marine, and Transport Vessels. The proposed amendments to §115.541, concerning Emission Specifications, §115.542, concerning Control Requirements, §115.546, concerning Monitoring and Recordkeeping Requirements, §115.547, concerning Exemptions, and §115.549, concerning Counties and Compliance Schedules, correct typographical errors and change VOC transport vessel and VOC marine vessel to transport vessel and marine vessel, respectively, for consistency with the remainder of Chapter 115 and the definitions of these terms contained within §115.10, concerning Definitions. The proposed changes to §115.549 also delete the attainment date from the contingency rules since this date may be revised in the future. The proposed changes to §115.543, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Minick 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 a more understandable and enforceable environmental regulation. 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 in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff

member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-AI. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC 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 hearing should contact the agency at (512) 239-4900. 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.

§115.541. Emission Specifications.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply to degassing during or in preparation of cleaning.

(1) (No change.)

(2) For all [VOC] transport vessels, as defined in §115.10 of this title, with a nominal storage capacity of 8,000 gallons or more:

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

(C) When conducting degassing or cleaning operations, no avoidable liquid or gaseous leaks, as detected by sight or sound, shall originate from the degassing or cleaning operations; [and]

(D) (No change.)

(E) All [VOC] transport vessels, as defined in §115.10 of this title,

shall be kept vapor-tight at all times until the vapors remaining in the vessel are discharged to a vapor control system.

(b) For all persons in the Beaumont/Port Arthur and Houston/Galveston areas [as defined in §115.10 of this title], the following emission specifications shall apply to degassing during or in preparation of cleaning for all [VOC] marine vessels, as defined in §115.10 of this title, with a nominal storage capacity of 10,000 barrels (420,000 gallons) or more.

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

(5) All [VOC] marine vessels, as defined in §115.10 of this title, shall have all cargo tank closures properly secured, or maintain a negative pressure within the tank when a closure is opened, and shall have all pressure/vacuum relief valves operating within certified limits as specified by classification society or flag state until the vapors are discharged to a vapor control system if the vessel is degassed or cleaned.

§115.542. 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 to stationary storage tanks and transport vessels.

(1) No person shall permit the degassing or cleaning of volatile organic compounds (VOC) a stationary storage tank or [VOC] transport vessel unless the vapors are processed by a vapor control system.

(2) When degassing or cleaning is effected through the hatches of a [VOC] transport vessel with a loading arm equipped with a vapor collection adapter, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided to minimize liquid drainage from the degassing or cleaning device when it is removed from the hatch of any [VOC] transport vessel or to accomplish drainage before such removal.

(3)-(4) (No change.)

(5) Vapors shall be routed to the control device until a turnover of at least four vapor space volumes has occurred, or four turnovers of the vapor space under a floating roof, or the partial vapor pressure is less than 0.5 psia (19,000 ppmw, [expressed as methane] or 34,000 ppmv expressed as methane). After one of these conditions has been satisfied, the storage vessel may be vented to the atmosphere for the remainder of the degassing or cleaning process.

(b) For all persons in the Beaumont/Port Arthur and Houston/Galveston

areas, the following control requirements shall apply to [VOC] marine vessels:

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

(4) Vapors shall be routed to the control device until the [VOC] marine vessel is stripped liquid-free and a turnover of at least four vapor space volumes has occurred, the partial vapor pressure is less than 0.5 psia (19,000 ppmw, [ppmv] or 34,000 ppmv expressed as methane), or the concentration of VOC is less than 20% of lower explosion limit. After one of these conditions has been satisfied, the [VOC] marine vessel may be vented to the atmosphere for the remainder of the degassing or cleaning process.

§115.543. *Alternate Control Requirements.* 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 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.

§115.546. *Monitoring and Recordkeeping Requirements.* For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.541 and §115.542 of this title (relating to Emission Specifications and Control Requirements), the owner or operator of any volatile organic compound (VOC) degassing or cleaning facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction in the area:

(1) For vessel degassing or cleaning operations:

(A) a record of the type and number of all [VOC] transport vessels, stationary VOC storage tanks, and [VOC] marine vessels which are degassed or cleaned at the affected facility;

(B)-(C) (No change.)

(2)-(4) (No change.)

§115.547. *Exemptions.* For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title

(relating to Definitions), the following exemptions apply.

(1) (No change.)

(2) Degassing or cleaning any [VOC] transport vessel with a nominal storage capacity of less than 8,000 gallons, or any stationary VOC storage tank with a nominal storage capacity of less than 1,000,000 gallons, or any [VOC] marine vessel with a nominal storage capacity of less than 10,000 barrels (420,000 gallons), is exempt from the requirements of this undesignated head.

(3) (No change.)

(4) Any [VOC] marine vessel which has sustained damage which prevents a cargo tanks opening from being properly secured, the onboard vapor recovery system to be inoperative, or the pressure/vacuum relief valves from operating within certified limits as specified by classification society or flag state is [are] exempt from §115.541(3) and §115.542(b) of this title (relating to Emission Specification and Control Requirements); however, all reasonable measures shall [will] be taken to minimize VOC emissions.

(5) Any oceangoing, self-propelled [VOC] marine vessel is exempt from the degassing or cleaning requirements of this undesignated head.

§115.549. Counties and Compliance Schedules.

(a) All affected persons in the Brazoria, Chambers, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller counties shall be in compliance with this undesignated head (relating to Degassing or Cleaning of Stationary, Marine, and Transport Vessels) as soon as practicable, but no later than November 15, 1996.

(b) All affected persons in Collin, Dallas, Denton, and Tarrant counties shall be in compliance with this undesignated head 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, 1996] 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).

(c) All affected persons in El Paso County shall be in compliance with this undesignated head as soon as practicable, but no later than one year, after the TNRCC 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, 1996] attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the 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 August 30, 1995

TRD-9510954 Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption December 20, 1995

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

Subchapter J. Administrative Provisions

General Permits

• 30 TAC §115.950

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Natural Resource Conservation Commission at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes the repeal of §115.950, concerning Standard Permits (Standard Construction Permit for Volatile Organic Compounds (VOC) Control Projects). The repeal is proposed in order to streamline TNRCC rules through the elimination of essentially redundant requirements.

Section 115.950 was added to Chapter 115 effective December 3, 1993 in order to address the permit requirements of VOC emission control equipment being installed to comply with the control requirements of Chapter 115. As noted in the evaluation of testimony published in the November 19, 1993, issue of the *Texas Register* (18 TexReg 8568), this section was "only a stop-gap first effort to solve an immediate need to prevent undue impediments to compliance with new Chapter 115 control requirements" which were adopted concurrently.

New §§116.610, 116.611, 116.614, and 116.617, concerning Standard Permits, were added to Chapter 116 effective May 4, 1994 and include two standard permits. The first standard permit is designed to handle emission control equipment required by any state or federal rule, standard, or regulation. The second standard permit relates to voluntary installation of emission control equipment. The adoption of the Chapter 116 standard permit rules removed the need for the "stop-gap" Chapter 115 standard permit rules.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for local governments as a result of enforcing or administering the repeal. The fiscal implications for state government as a result of enforcing or administering the repeal includes the receipt of a flat \$450 fee for each Chapter 116 standard permit registration.

Mr. Minick also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of duplicative rules. The anticipated costs for small businesses, persons, or facilities who are required to comply with the repeal includes a flat \$450 fee for each Chapter 116 standard permit registration. Because the requirements of the Chapter 115 and Chapter 116 standard permits are so similar, the actual cost of preparing a standard permit registration is not expected to change significantly with the repeal of §115.950.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-AI. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC 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 hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The repeal 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 repeal affects the Health and Safety Code, §382.017.

§115.950. Standard Construction Permit for Volatile Organic Compounds (VOC) Control Projects.

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 August 30, 1995.

TRD-9510956 Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

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

Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

Subchapter B. New Source Review Permits

Nonattainment Review

• 30 TAC §116.150

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §116.150, concerning Nonattainment Review. The nitrogen oxides (NO_x) requirements of §116.150 were originally adopted in response to a requirement by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) Amendments for states to implement nonattainment new source review (NNSR) for NO_x in the following ozone nonattainment areas: Dallas/Fort Worth (Collin, Dallas, Denton, and Tarrant counties), El Paso (El Paso County), Houston/ Galveston (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties), and Beaumont/ Port Arthur (Hardin, Jefferson, and Orange counties).

The FCAA, §182(f) allows the following federally required NO_x measures to be waived if the state demonstrates through photochemical dispersion modeling that NO_x reductions do not contribute to ozone attainment: reasonably available control technology (RACT), NNSR, vehicle inspection and maintenance, and conformity. Section 182(f) exemptions for the Dallas/Fort Worth (DFW) and El Paso areas were approved by EPA on November 21, 1994. The TNRCC requested a temporary §182(f) exemption for RACT and transportation conformity for Houston/ Galveston (HGA) and Beaumont/Port Arthur (BPA) to allow the results of further Urban Airshed Model (UAM) modeling to guide the NO_x reduction strategy. On April 12, 1995, EPA approved a temporary §182(f) exemption, which expires on December 31, 1996.