

Texas Register

Volume 17, Number 49, June 30, 1992

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Information Available: The ten sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

- Governor** - Appointments, executive orders, and proclamations
- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- Emergency Sections** - sections adopted by state agencies on an emergency basis
- Proposed Sections** - sections proposed for adoption
- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections** - sections adopted following a 30-day public comment period
- Open Meetings** - notices of open meetings
- In Addition** - miscellaneous information required to be published by statute or provided as a public service

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative quarterly and annual indexes to aid in researching material published.

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How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 TexReg 3"

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

How to Cite: Under the TAC scheme, each agency section is designated by a TAC number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

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KEEP YOUR EYES OPEN
FOR THE 1991/1992 ART CONTEST
starting July 1992

Since 1987, the student art project has enjoyed tremendous success. We would like to take this one step further by recognizing the "best of the best" in a contest. The judges for this contest will be YOU, Texas Register readers/subscribers. The award for this contest will be entitled "Texas Register Readers Choice Award." We will also hold an art exhibit displaying all of the artwork to be judged by professionals from the field of art. Separate awards will be given for the winners.

The artwork will be judged and published in four categories divided by grades, K-3, 4-6, 7-9, 10-12. All pictures will be numbered sequentially in each category and have a number reflecting the group. Example "K-1" will indicate that the picture was drawn by a student in grades K-3, the one indicates the first picture, a "4" preceding the number of the picture will reflect the picture was drawn by a student in grades 4-6, a "7" will reflect grades 7-9 and a "10" will reflect grades 10-12.

The Register will begin republishing the artwork for the contest starting in July. We would like for you, our readers, to vote on what you think has been the best artwork of the past year in the respective categories. You may vote as often as you like. We will begin publishing a form in each issue for you to return to this office with your choice.

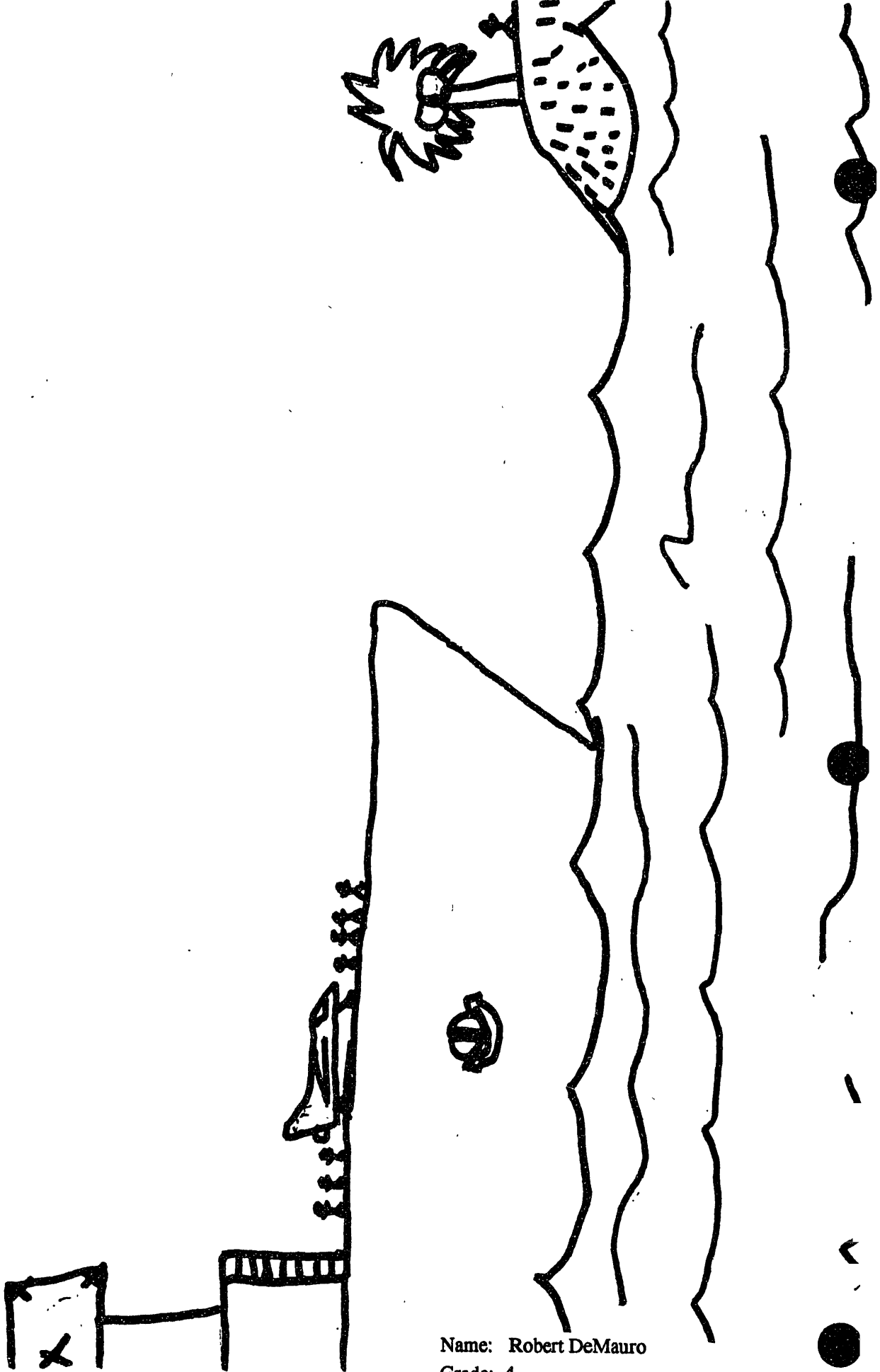
More details about the contest will be published soon, so keep watching the Register or if you have any questions please contact Roberta Knight at (512) 463-5561.

The Secretary of State, Texas Register staff will then tabulate the votes and announce the winners in the fall of 1992.

The artwork does not add additional pages and does not increase the cost of the Texas Register.

DE MAURO
HENNING

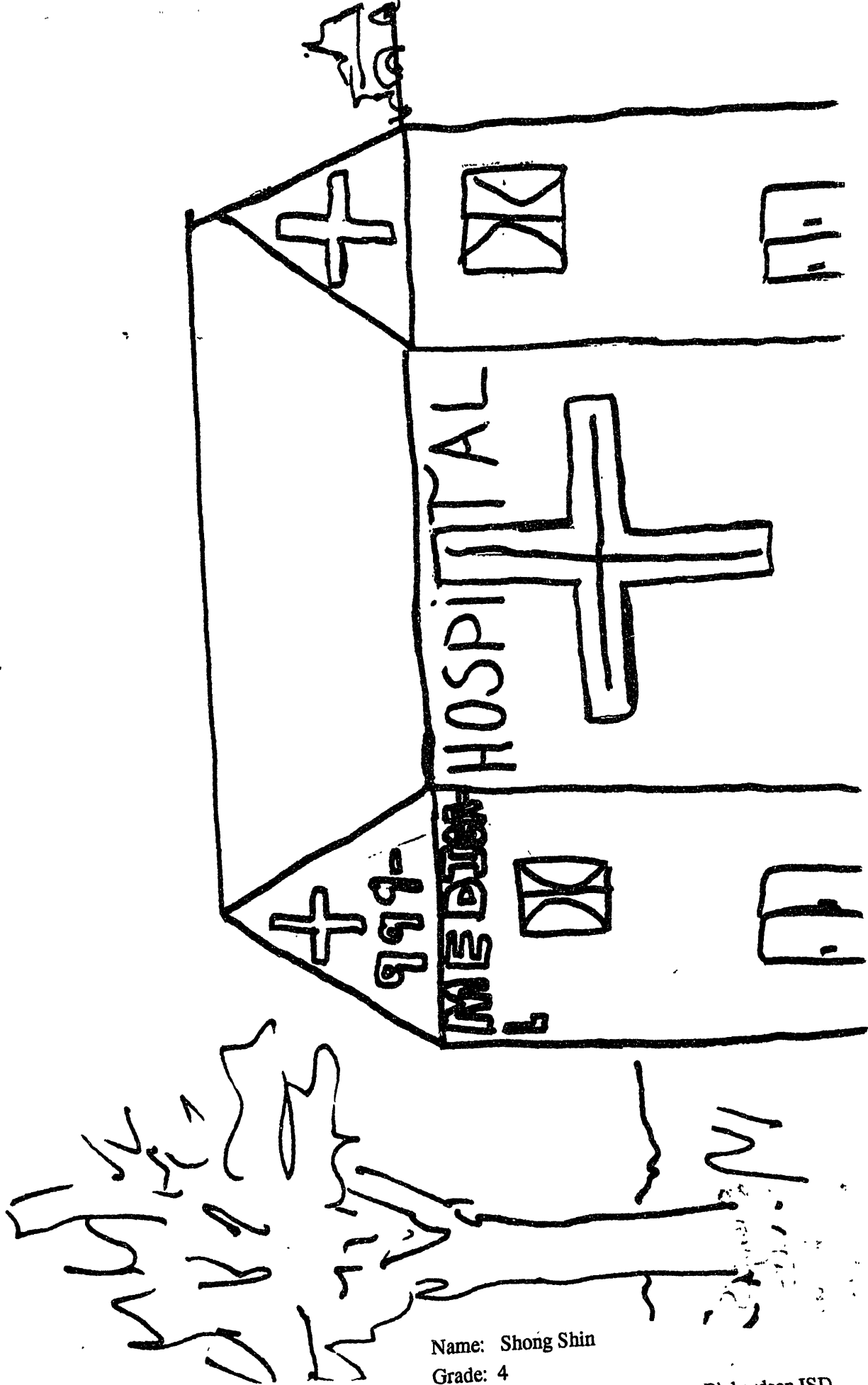
U.S. NAVY



Name: Robert DeMauro

Grade: 4

School: Stults Road Elementary, Richardson ISD



Name: Shong Shin

Grade: 4

School: Stults Road Elementary, Richardson ISD

Ryder C
Stults Rd Richardson TX

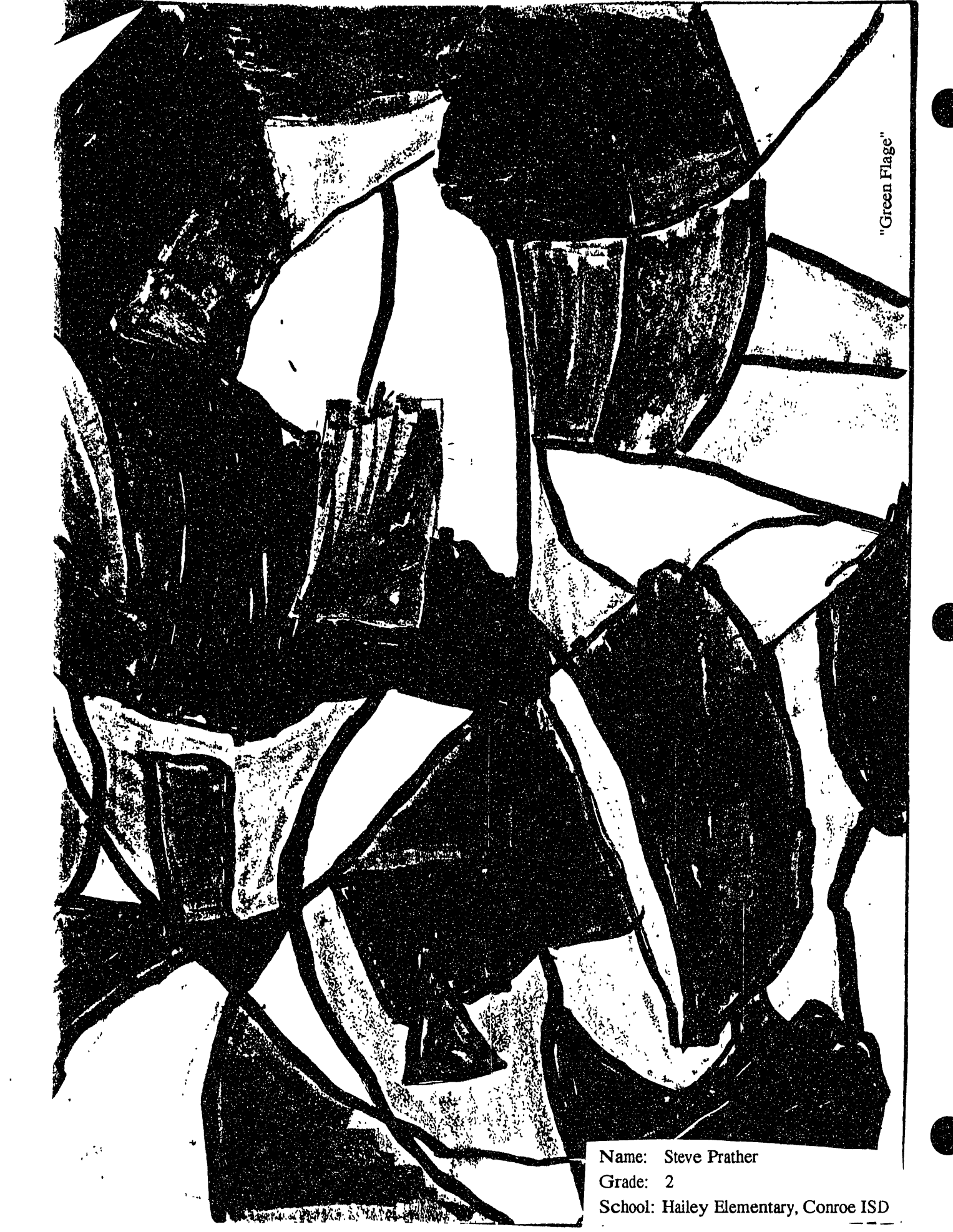


Name: Ryder C.
Grade: 4
School: Stults Road Elementary, Richardson ISD

Stults Road Elementary



Name: Susan Griffiths
Grade: 2
School: Hailey Elementary, Conroe ISD



"Green Flage"

Name: Steve Prather

Grade: 2

School: Hailey Elementary, Conroe ISD

Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

Symbology in amended emergency sections. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 4. Capitol Police

Protection of State Buildings and Grounds

• 37 TAC §§4.1-4.10

The Texas Department of Public Safety adopts on an emergency basis new §§4.1-4.10, concerning protection of state buildings and grounds. The department has determined that an emergency exists for the need to adopt on an emergency basis these sections. Current sections are to be withdrawn by the General Services Commission and these sections are necessary to provide a safety work environment for state officials and employees, to protect the grounds, public buildings, and property of the state, to regulate entrance to and public use of state-owned buildings, and to investigate criminal activity. The sections further promulgate regulations for evacuations, after-hour entrance, and control of key and local systems.

The new sections are adopted on an emergency basis under the Texas Government Code, §411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

§4.1. General.

(a) All duties and responsibilities of the Capitol Security Police Division of the State Purchasing and General Services Commission were transferred to the Texas Department of Public Safety by action of the State Legislature in 1991. This transfer was accomplished by amending Committee Substitute Senate Bill 9, 72nd Legislature, by striking §2.19(g) and (m) and inserting a new subsection (g). Paragraph (1) of this amendment states: "As of the effective date of this Act all the duties, functions, positions, responsibilities, inventory, property, and other items assigned to the Capitol Security Police Division of the State Purchasing and General Services Commission are transferred to the Texas Department of Public Safety."

(b) Under the authority of the amendment and under Texas Civil Statutes, Article 601b, §4.01 and §4.12, the Texas Department of Public Safety is authorized to protect the grounds, public buildings, and property of the state, to regulate parking, and to control entrance to state-owned buildings; and to regulate displays and other public use of state buildings.

(c) The Texas Department of Public Safety has designated the former Capitol Security Police as the Capitol Police District and placed it under the Traffic Law Enforcement Division of the Texas Department of Public Safety.

(d) Within the Capitol Complex, as defined herein, the Department of Public Safety will strive to provide a safe work environment for state officials and employees; to protect the grounds, public buildings, and property of the state; to regulate parking; to regulate entrance to and public use of state-owned buildings; and to investigate criminal activity occurring in these locations.

(e) These rules shall be applicable to state buildings and property within the Capitol Complex as defined in subsection (g) of this section.

(f) The provisions of these rules pertaining to public buildings and grounds do not apply to buildings and grounds of:

(1) institutions of higher education, as defined by Texas Education Code, §61.003, as amended;

(2) state agencies to which control has been specifically committed by law; and

(3) state agencies that have demonstrated ability and competence to maintain and control their buildings and grounds and to which the General Services Commission has delegated that authority.

(g) The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Board—The Texas Preservation Board.

(2) Buildings and state buildings—State-owned buildings and property within the Capitol Complex.

(3) Capitol Complex—An area in the city of Austin, bounded on the south by 10th Street, on the north by Martin Luther King Boulevard, on the east by Trinity Street, on the west by Lavaca Street, and including the William P. Clements Building located at 300 West 15th Street. The term shall also apply to other locations under the jurisdiction of the Capitol Police District as may be approved by the director.

(4) Capitol police—Members of the Capitol Police District of the Texas Department of Public Safety.

(5) Commission—The Texas General Services Commission.

(6) Department—The Texas Department of Public Safety.

(7) Director—The director of the Texas Department of Public Safety.

§4.2. Use of Capitol Rotunda and Grounds.

(a) Public use of the Capitol Building, the Capitol Extension, and the Capitol Grounds are governed by rules promulgated by the State Preservation Board.

(b) Members of the Capitol Police District are hereby authorized to enforce those rules legally filed by the Board.

(c) Members of the Capitol Police District will provide protective and security services to the Capitol Building, the Capitol Extension, and the Capitol Grounds in coordination with the board.

§4.3. Access to State Buildings.

(a) Public access. Public access to state buildings is generally unlimited. However, nothing in these rules shall be understood as permitting the use of any public building, in any manner whatsoever, when such use is for a commercial purpose.

(b) Admission to state buildings. State buildings are generally open to the public at all times, with the general exception of Saturdays, Sundays, and state holidays, and from 6 p.m. to 7 a.m. on working days. Access to state buildings during the times they are not open to the public shall be by building pass card, electronic access card, special permission, or emergency admission.

(1) Building pass cards and electronic access cards. The chief executive of each agency, in the state building referenced in this subsection shall be responsible for the control of building pass cards and electronic access cards issued for their agency. The chief executive may delegate this responsibility to another person in the agency, provided that the Capitol Police Office is notified in writing of the name(s) with a sample of appointees' signatures. Agency designators may not appoint other agency designators.

(2) Card application. Applications for such cards must be signed by the agency designator and completed by the employee. The employee will take the application to the Capitol Police Office for issuance. No card will be issued unless the application is complete and signed by the agency designator. An employee may have both a building pass card and an electronic access card. When this occurs, separate applications will be required. The electronic access card is not a building pass card and will not be accepted in any other location other than the location for which it was issued.

(3) Agency designator. It is the responsibility of the agency designator to notify the Capitol Police Office immediately of any termination of the employee. The agency designator shall return the employee's card to the Capitol Police Office.

(4) Special permission. Special permission is communicated by an appropriate public official or his representative to the Capitol Police Office specifically approving one-time admission to a named individual. Such authorization should be in writing.

(5) Emergency admission. Emergency admission is solely within the discretion of the officer on duty, and such officer must accompany the admitted individual at all times while he is in the building.

(c) Building register (admission log). A building register for each building shall be kept for the times it is closed to the public, and each person entering the building, except those entering with an electronic access card, must complete the information called for in the register.

§4.4. Emergency Evacuations.

(a) Evacuation order. The commander of the Capitol Police District, or the ranking department officer on duty, may order evacuation of all or any part of the Capitol Building or other state buildings in the event of a fire, bomb threat, or any other threat to life and/or property. In the event of a potentially harmful situation at the Capitol Building which does not pose an

imminent threat to the health or safety of the occupants and visitors nor to the buildings or grounds themselves, the department shall inform the board and take such action as approved by the board.

(b) Floor managers. A floor manager shall be appointed for each floor in each state building in the Capitol Complex. Occupying state agencies shall make these appointments in cooperation with the Capitol Police and with other agencies and these floor managers shall assist Capitol Police officers in clearing the buildings during emergency evacuations.

(c) Use of elevators. No elevators shall be used during an emergency evacuation except to transfer handicapped persons from areas to be evacuated to places of safety and only then with the approval of a member of the Capitol Police or a fire official.

(d) Evacuation of building floors. No one shall be allowed on floors to be evacuated during the period of the threat except department officers, floor managers, and duly authorized peace officers and firemen.

(e) Readmission to evacuated areas. A department officer shall give the all-clear signal and permit readmission to the evacuated areas only when the threat has passed.

(f) Notification. In all instances enumerated in subsection (a) of this section, the Fire and Safety Office of the General Services Commission will immediately be notified by the Capitol Police Office and should be represented at the scene.

§4.5. *Fire and Safety Inspections.* Members of the Capitol Police District will continually be alert for conditions constituting fire or safety hazards. When such conditions are discovered, a written report will be made and a copy will be forwarded to the appropriate section of the General Services Commission.

§4.6. *Prohibited Weapons.* Firearms, explosive weapons, illegal knives, clubs, and knuckles, as defined in the Texas Penal Code, §46.01, and prohibited weapons as defined in the Texas Penal Code, §46.06, are not permitted in state buildings or on state grounds covered under these rules, except in the possession of a certified peace officer. A properly licensed private security officer may possess a firearm or nightstick if he is working under an approved department contract and the contract authorizes the use of an armed guard.

§4.7. Solicitation in State Buildings.

(a) No individual, corporation, association, or organization may be permitted in state buildings for the purpose of:

(1) selling, or offering for sale, any real property, goods, or services;

(2) placing or distributing advertising literature, material, placards, banners, posters, etc., in state buildings and officers of the department may remove any such literature, material, placards, banners, posters, etc., as they find them; or

(3) soliciting gifts of money, or gifts of property, without regard to the charitable nature of such gifts, or the method of solicitation.

(b) Nothing in this section shall be understood to prohibit any agency head from authorizing any or all of the acts in subsection (a) of this section within the confines of that agency's space in state buildings.

(c) A state-sponsored fund raising event for a charitable organization may be approved under the following circumstances.

(1) The charitable organization must have tax-exempt status with the Internal Revenue Service and/or the state comptroller.

(2) The event must be approved by the executive director of each agency housed within the building.

(3) All proceeds from the event must go to the charitable organization.

(4) The event must be organized, directed, and staffed by state employees only.

(5) No commercial advertisements, as defined in subsection (a)(2) of this section, may be displayed.

§4.8. Key and Locksmith Services.

(a) Provisions. The provisions of this section are designed to promote the care, protection, and security of the state buildings in the Capitol Complex. The Capitol Police District shall be responsible for administering the provisions of this section.

(b) Authority. Only the director and/or the commander of the Capitol Police District shall have the authority to duplicate keys or perform locksmith services for the doors of the state buildings referenced in subsection (a) of this section. In emergency situations such as fire or medical emergencies, it is imperative that Capitol Police personnel have immediate access to all buildings and offices within the Capitol Complex.

(c) Control of interior door keys. The chief executive of each agency in the state buildings referenced in subsection (a) of this section shall be responsible for the control of interior door keys to the space assigned the agency. The chief executive

may delegate this responsibility to another person in the agency, provided that the Capitol Police Office is notified in writing of the names of such appointees. Agency key designators may not appoint other agency key designators.

(d) Requesting duplicate door keys. Any key designator needing duplicate door keys should notify the commander of the Capitol Police, or his designee, of the request, indicating the building, room number, key number, and the number of keys required.

(e) Receipt of keys. The elected official or state agency chief executive officer or his or her respective designee may obtain the keys requested either for a door re-key or duplication of keys by signing a department service order indicating by his or her signature they have received the keys.

(f) Returning keys. Any and all keys issued to an elected official, state agency chief executive, or his or her respective employees must be returned to the Capitol Police Office upon his or her termination of service to the state or upon termination of employment.

(g) Installation and maintenance of locking hardware. Service for the installation and maintenance of all locking hardware must be obtained through the General Services Commission. Installation of new or additional locking hardware must be compatible to and capable of being placed under the Capitol Police District grand master and control system and must be coordinated through the Capitol Police District.

(h) Construction. All construction which involves adding, relocating, removing, or in any way modifying locking hardware that is in a facility that is under the jurisdiction of the Capitol Police must be coordinated through the Capitol Police District and must be compatible to and capable of being placed under the Capitol Police District grand master and control system.

(i) Master keys. Master keys of any level may only be issued by the authority of the director and/or the commander of the Capitol Police District. Any request for a master key must be submitted in writing indicating the reasons for the request and must be signed by the elected official or the chief executive officer of the agency.

(j) Building entrance door keys. Building entrance door keys may only be issued by the authority of the director and/or the commander of the Capitol Police District. Any request for a building entrance door key must be submitted in writing indicating the reasons for the request and must be signed by the elected official or the chief executive officer of the agency.

(k) Charge for services. A fee may be charged to recover the cost of services

rendered. Said fee to be established by the chief fiscal officer of the department and approved by the director.

§4.9. Access to General Services Areas in State Building.

(a) Persons other than General Services Commission employees requiring access to space assigned to the Buildings and Property Services Division of the General Services Commission (mechanical rooms, electrical equipment rooms, telephone rooms, mechanical chases, and roofs of buildings) in the state buildings under their care and control shall submit their requests, in writing, to the director of the Building and Property Services Division.

(b) Upon written approval from the director of the Building and Property Services Division, the Capitol Police Office will provide access as approved by the commander of the Capitol Police District or his designee.

§4.10. Security of State Office Buildings.

(a) The Texas Department of Public Safety is authorized to conduct security surveys of state-owned buildings to determine the need for security equipment and on-site security personnel. If it is determined that a need exists, these services may be provided if funding is available. The following regulations will apply to security devices and personnel.

(1) Closed circuit television (CCTV) systems. In order to meet legal requirements pertaining to chain of custody of evidence, all CCTV systems located in public or common access areas (exterior doors, lobbies, loading docks, etc.) will be under the care and control of the Department of Public Safety.

(2) Electronic access. Electronic access systems installed on exterior building doors must be approved by, and controlled by the computer system of, the Department of Public Safety.

(3) Security personnel. When a verified need exists for on-site security personnel in a state-owned building, the Department of Public Safety is authorized to assign its personnel to the location or to contract with a private security agency to provide the personnel. In order to ensure fair and equitable security for all agencies housed in a building, all contracts for private security personnel in a state building must be approved and administered by the Department of Public Safety.

(4) Funding. If the Department of Public Safety does not have funds to provide services or equipment under this section, other state agencies may enter into interagency contracts to reimburse the department for such costs.

(b) The provisions of this section do not apply to buildings and grounds which fall under the provisions of §4.1(f) of this title (relating to General).

Issued in Austin, Texas, on June 22, 1992.

TRD-9208686 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 23, 1992

Expiration date: October 21, 1992

For further information, please call: (512) 465-2000

Parking and Traffic Administration

• 37 TAC §§4.31-4.46

The Texas Department of Public Safety adopts on an emergency basis new §§4.31-4.46, concerning parking and traffic administration. The department has determined that an emergency exists for the need to propose these sections. Current sections are to be withdrawn by the General Services Commission and these sections are necessary to provide for the most equitable and economical parking facilities for state employees, state officials, and the visiting public. The sections further promulgate regulations regarding reserved parking, free parking, car pooling, traffic control, handicapped parking, impoundment of vehicles, penalties for violation, and administrative adjudication. The annual reserved parking fee continues without any change.

The new sections are proposed under the Texas Government Code, §411.006(4), which provides the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

§4.31. General.

(a) Objective.

(1) The overall objective is to provide for the most equitable and economical parking facilities for state employees, state officials, and the visiting public in accordance with the general law as set out in Texas Civil Statutes, Article 601b, §4.12 and §4.14. Parking is administered by the parking administration with full authority to carry out the responsibilities of the Texas Department of Public Safety.

(2) In addition to a limited number of reserved parking spaces, these sections allow for free parking for other employees. Assignments for free parking will be made to locations as near as possible to the employee's work location. Parking in these locations will be on a first-come basis.

(3) In an effort to conserve energy and to alleviate traffic congestion in the Capitol Complex, car pooling will be

encouraged by the assignment of free reserved parking.

(4) Support for handicapped employees will be provided by assignment of free reserved parking as near as possible to their work location and through our pledge to follow the requirements of the Americans with Disability Act Accessibility Guidelines for Buildings and Facilities.

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Availability for assignment—Refers to the status of a lot or garage, either a part or the whole of which is used for open parking assignment and shows a utilization of its open parking areas of less than 100% during peak use hours.

(2) Open parking—The assignment of a right to park anywhere within a specific parking lot or garage except in those spaces marked as "reserved."

(3) Parking administration—A section of the Capitol Police District, Texas Department of Public Safety.

(4) Reserved parking—Assignment of a specific parking space to a state official or to an employee. The spaces will be marked by signs and/or yellow painted curbs or stops.

(c) Exemptions. The following areas will not be regulated under these parking sections except as noted.

(1) Texas Employment Commission. Parking facility under the management and control of the Texas Employment Commission.

(2) The parking garage in the capitol extension project. However, the department may enforce the parking regulations established by the State Preservation Board.

(3) Parking areas outside the Capitol Complex. State parking lot and garages outside the Capitol Complex will not be regulated by the department except under the authority of individual contracts and agreements approved by the director of the Texas Department of Public Safety.

(d) Agency parking coordinator. Each occupying agency will designate one of its employees to be the parking coordinator, and the parking administration will provide each coordinator with detailed instructions for the proper administration of these guidelines.

§4.32. Assignment to a Reserved Space or Open Facility.

(a) The assignment to a reserved space or open facility is considered a privilege which can be revoked at any time for

nonpayment or noncompliance with the parking regulations. In addition, this privilege may be revoked to permit implementation of changes in the parking system or these rules as mandated by the department. Revocation because of department mandate will give the employee losing an assignment a priority for reassignment to a space or facility as near as possible to the employee's work location. The acceptance and use of a parking assignment constitutes acceptance of all sections and regulations regarding such assignment. The department shall designate lots or garages for use by employees of particular buildings in order to give better distribution to parking utilization, subject to the priority of assignment established in Texas Civil Statutes, Article 601b, §4.12(c), and §4.36 of this title (relating to Priority of Assignments).

(b) Employees of state agencies are eligible for assigned parking so long as they office four hours or more a day during the normal state workweek between the hours of 7 a. m. and 6 p.m. within the Capitol Complex. If the department enters into a contract or agreement to administer the parking for an area outside the Capitol Complex, the same rules will apply.

(c) Employees, upon request, will be placed on a waiting list for an open parking assignment to a lot or garage in close proximity to their work location. They can be placed on the list for not more than two locations, applicable only to those lots or garages designated for use by the building where the applicant is employed. Weekly utilization surveys will be conducted to determine the number of available spaces in all lots and garages. When spaces are available in any given location, eligible employees will be notified in writing. The employee will be given five working days in which to accept or decline the assignment. When notification letters have been mailed, employees are automatically removed from the waiting list for the lot or garage designated in the notification letter. Once a parking assignment has been accepted by an employee, that employee is automatically removed from all waiting lists. New applications, not immediately assignable, shall be dated and time stamped as they are received by the department and placed on the respective lists in chronological order. Assignments from the waiting list will be made on a "first-on, first-off" basis (refer to the exceptions for new lots or garages described in §4.33 of this title (relating to New Lots/Garages)).

(d) All assignments relinquished, cancelled, terminated, or forfeited shall become reassignable in accordance with these sections on the effective date of relinquishment, cancellation, termination, or forfeiture.

(e) The department may designate and request the commission to mark parking spaces for state-owned vehicles and visitors

parking in the Capitol Complex, or on other state property outside the Capitol Complex when said property is administered by the department as provided in §4.31 of this title (relating to General).

(f) In making assignments to open parking facilities when by specific department action, individual space assignments are not permitted either in the whole or in part of the lot or garage. The department may assign more individuals to park in the lot or garage than there are spaces available. Determination of the number of assignments to such an area, allowed by this subsection, shall be based upon information obtained during peak utilization periods. Adjustments in the number of permitted assignments may be made from time to time as circumstances warrant, in an effort to obtain full utilization of state parking facilities.

(g) Each state agency housed in the Capitol Complex, or on other state property administered by the department, is allotted a number of reserved spaces based on the needs of the agency and the availability of spaces. The department will ensure that all agencies are allocated at least one space for individual assignment. Each state agency is responsible for assignment of these spaces and for notifying the parking administration of all reserved assignments, additions, and deletions. A monthly charge shall be paid quarterly in advance for each assigned reserved space within a lot or garage as described in §4.35 of this title (relating to Monthly Parking Charges, Payment, and Refunds). All other spaces, whether a part or the whole of a lot or garage shall be marked for open assignment in accord with these sections.

§4.33. New Lots/Garages.

(a) Whenever a new lot or parking garage is opened for operation, assignments will be made as near as possible to the employee's work location.

(b) Whenever a new garage is opened that is connected to or part of a building, whether by new construction or by purchase of an existing facility, assignments to that location will be first made to the employees occupying the building.

(c) Additional and further assignments will be made in accordance with these sections.

§4.34. Trades, Transfers, and Terminations.

(a) The department may make space trades for employees currently having assigned spaces. In allowing such trades, the department shall satisfy itself that the best interests of the state will be served.

(b) If an employee is transferred to another work station outside the jurisdiction of the parking administration or is terminated, he or she shall relinquish his or her assignment.

(c) In the case of a transfer, should the employee be reassigned within six months of the original transfer, he or she shall be entitled to a priority assignment in the same facility as his or her relinquished assignment.

§4.35. Monthly Parking Charges, Payment, and Refunds.

(a) **Charges.** Monthly charge for assigned parking will be at the rate set by the State Legislature, or if no rate is set, at a rate set by the department. The current appropriations bill sets the rate at \$10 for individual employees assigned reserved spaces within a lot or garage.

(b) **Payment.** Monthly charges shall be paid quarterly in advance, due on the first day of September, December, March, and June. The payment is considered delinquent on the 10th of the month, at which time a notice is sent to the employee advising him or her to remit payment within five working days of the date of notice.

(c) **Partial payments.** Payment for partial quarters will be allowed only when a state employee receives a parking assignment in mid-quarter. Parking assignments made prior to the 15th of the month require the full payment for the month. Assignments made on or after the 15th of the month will have the payment applied to the next month's lease.

(d) **Refunds.** Employees who cancel their assignment will be issued refunds as follows:

(1) full refund for cancellations prior to the 15th of the first month of the quarter;

(2) two-month refund for cancellations prior to the 15th of the second month, but after the 16th of the first month of quarter;

(3) one-month refund for cancellations prior to the 15th of the third month, but after the 16th of the second month of quarter;

(4) no refund for cancellations after the 15th of the third month of quarter.

(e) **Imprest account.** Under the authority of the state appropriations act, "appropriations for parking fees," the parking administration will maintain a \$500 imprest account for payment of refunds. This account will be funded from parking revenue and will be administered in accordance with approved procedures established for petty cash accounts by the Comptroller of Public Accounts.

§4.36. Priority of Assignments.

(a) When the legislature is in session, the department shall assign and have marked, for unrestricted use by members and administrative staff of the legislature, the reserved parking spaces in the Capitol Complex requested by the respective houses of the legislature. A request for parking spaces reserved pursuant to this subsection shall be limited to spaces in the capitol area and the additional spaces in state parking lots proximately located to the capitol.

(b) When the legislature is not in session, the department shall, at the request of the respective legislative bodies, assign and have marked the spaces requested for use by members and administrative staff of the legislature, in the areas described in subsection (a) of this section.

(c) The department may assign parking spaces to elected state officials and appointed heads of state agencies who occupy space in state buildings located within the bounds set forth in Texas Civil Statutes, Article 601b, §4.12(a).

(d) The department will assign parking spaces to handicapped state employees. See §4.31 of this title (relating to General).

(1) A state employee may be considered handicapped for purposes of space assignment if the nature of the handicap impairs mobility to the degree that walking any appreciable distance to the employee's work station would be difficult, or impossible, for the employee to accomplish.

(2) Acceptable medical proof from a licensed physician that the state employee is currently disabled must accompany the application for a handicapped permit.

(3) Handicapped employees shall be entitled to a free reserved space as near as possible to their work location.

(4) State employees who are ill, or who have been injured, may receive a free reserved space for up to 30 days without medical proof from a licensed physician.

(e) If spaces are available, the department may assign parking spaces to car pools. See §4.39 of this title (relating to Car Pools).

(f) The department may assign an appropriate number of reserved parking spaces to state agencies housed in the Capitol Complex, or in other state facilities administered by the department whether or not located in the City of Austin. See §4.32 of this title (relating to Assignment to a Reserved Space or Open Facility).

(g) All remaining parking facilities under the charge and control of the department in the area described in subsection (f)

of this section, may be made available for use by state employees. Such employees shall be those working for agencies who occupy space in state buildings, located within the area specified in subsection (f) of this section.

(h) To implement the requirements of this section, the department shall not be required to assign all of the spaces available. The department by discretion may make use of any unassigned spaces designated under this section, so long as that use is in accordance with Texas Civil Statutes, Article 601b, §4.12 and these sections.

§4.37. Temporary Permits.

(a) Temporary permits may be issued for a period of one to 15 days. If the need for the permit continues to exist after 15 working days, a new permit may be obtained in the parking administration office.

(b) Upon written request from the agency parking coordinator, a 90-day special permit or construction permit may be issued if spaces are available. Once approved, the permit must be displayed and the employee or the contractor who is issued the permit will be responsible for any parking violations on the vehicle.

§4.38. Sublease and Utilization.

(a) Subleasing an assignment shall not be permitted and is a violation of these sections. It is possible for an employee who pays for his or her individual space assignment to allow another state employee to use that assignment during vacations, absences due to illness, or official travel, provided the parking administration office is notified in advance, but charging a fee for this favor is a violation of these sections.

(b) It is the expressed intent of the department, operating under the provisions of Texas Civil Statutes, Article 601b, §4.12, to foster full utilization of the parking facilities available to visitors and state employees. When an employee accepts assignment to a state parking facility, he agrees not to park on the city streets or on other nonstate facilities. Utilization of city streets or other nonstate facilities within the Capitol Complex described in these sections shall be a violation of these sections.

§4.39. Car Pools.

(a) Car pools shall consist of at least three participating state employees not having the same domicile and who normally drive their vehicles to work.

(b) Each car pool must be registered and will be issued one hanging car pool parking permit. Permits shall be visibly displayed according to instructions issued with the permit.

(c) A newly established car pool, meeting the requirements of this section as determined by the Texas Department of Public Safety, shall be assigned a reserved space as near as possible to the building in which they work, provided this would not result in the dislocation of any employee having a previously assigned reserved space.

(d) Responsibility for the car pool shall be given to a designated member of the car pool, whose identification as such shall be recorded in the parking records. Notice to the designated member for any purpose set out in these sections shall be deemed notice to all members of the car pool.

(e) Only one vehicle in each car pool shall be parked in state lots or garages. Should two members of the same car pool need to drive their vehicles, the second vehicle must notify the parking administration immediately upon arrival.

(f) Assignment of a reserved space to a car pool shall result in the automatic forfeiture of any previous assignment to the members of the car pool. Subsequent departure of a car pool member, or dissolution of the car pool itself will not restore any parking assignment previously forfeited by a member.

(g) Departure of a car pool member will not work as automatic forfeiture of the car pool assignment unless the membership falls below three members and a new member cannot be found within 60 days to restore the car pool to the minimum qualifying number.

(h) Cancellation of any car pool requires the return of the car pool parking permit before any new parking assignments can be obtained.

(i) Dissolution of a car pool for any reason will not give the individual members any right to the priority space assigned to that car pool.

§4.40. Parking Permits.

(a) All vehicles utilizing open parking must display a current parking permit. One permit will be issued to each employee. This will allow the employee to use the permit regardless of who owns the vehicle. The department is authorized to issue either decal permits or hanging permits.

(1) Decal permits shall be applied to the vehicle according to instructions provided at the time of issuance.

(2) Hanging permits will normally be hung from the rearview mirror when the vehicle is parked in a state parking lot or garage. If no mirror post is available, the permit may be taped to the front windshield, in the lower center, or otherwise displayed so that it is readily visible from outside the vehicle.

(b) An employee who is issued a permit will be responsible for any parking violations on vehicles bearing the permit.

(c) Employees with unpaid charges recorded in their name shall be ineligible to receive a parking permit while such charges remain unpaid.

(d) All permits will expire and be renewed on a biennial basis.

(e) Change in parking assignment requires the return of the parking permit before any new parking assignment can be obtained.

(f) Permits must be surrendered upon termination of employment and the permit returned to the parking administration.

(g) Lost or stolen permits must be reported immediately to the parking administration office.

§4.41. Enforcement.

(a) Department officers are responsible for enforcing these parking regulations and traffic violations on state property. For purposes of enforcing the parking rules only, the department may assign either commissioned officers or noncommissioned security workers. The assignment of security workers shall only be made with the written approval of the commander of the Capitol Police District.

(1) To carry out this responsibility and authorization, the department may issue two types of citations for any parking violations occurring within the jurisdiction of the parking administration.

(A) Administrative citations issued by the Capitol Police District are subject to administrative adjudication.

(B) Court appearance citations constitute a notice to appear in either a municipal court or a justice court. Failure to discharge a court appearance citation may result in the issuance of a warrant of arrest.

(C) The department reserves the right to issue a court appearance ticket for any violation.

(D) Administrative citations will generally be issued for violation of these parking regulations.

(2) When a court appearance citation is issued for any violation, the penalty shall be assessed by the court in accordance with statutory law.

(b) Whenever an administrative citation is issued for any violation of these

sections, the administrative fine shall be \$10.

(c) The following procedures will apply for administrative citations.

(1) Any person who is issued an administrative citation shall pay the fine, in person or by mail, to the parking administration office, no later than the 10th calendar day after the citation is issued. If payment is not received or postmarked within the 10 days, a \$2.00 late charge will be assessed.

(2) If a person wishes to appeal a citation, he/she may do so in accordance with subsection (f) of this section.

(3) Unpaid charges for parking offenses will be recorded in the name of the permit holder or in the name of the registered owner of the vehicle as shown in the records of the Texas Department of Transportation.

(4) Unpaid charges for other violations will be recorded in the name of the person driving the vehicle.

(5) Persons with unpaid charges recorded in their name shall be subject to the following actions.

(A) If the unpaid charges are in the name of a person who has a parking privilege, forfeiture of that privilege will be initiated under §4.42 of this title (relating to Forfeiture of Parking Privilege).

(B) If the unpaid charges are in the name of a person who does not have a parking privilege, the person shall be given a written notice that the vehicle is placed on an impoundment list and will be impounded if found on state property under §4.42 of this title.

(d) The following acts, when committed within the Capitol Complex or within other areas under the administration and control of the department as provided by §4.31 of this title (relating to General) shall constitute parking violations for which either an administrative or court appearance citation may be issued:

(1) parking overtime in a space which is limited in time by meters or signs, or parking overtime in a loading zone;

(2) moving a barricade or parking within any barricaded area;

(3) parking on any lawns, curb, sidewalk, or any area which creates an obstruction to vehicular or pedestrian traffic;

(4) parking in a "No Parking" area;

(5) parking within 15 feet of a fire plug or within a fire zone;

(6) failing to park within a lined parking space. Vehicles shall be parked within the boundaries of the designated lined spaces. The fact that other vehicles are parked improperly shall not constitute an excuse for parking with any part of the vehicle over the line;

(7) parking in a loading zone except while loading or unloading;

(8) parking over 18 inches from the curb or parking stop, measured from any part of the car body facing the curb or parking stop;

(9) parking with the rear of the vehicle facing the curb or parking stop;

(10) parking in a space or facility other than the one assigned, unless authorization has been obtained;

(11) parking in a designated parking area without displaying proper permit;

(12) parking upon any unmarked or unimproved area which has not been designated for parking;

(13) double-parking;

(14) when a state employee accepts assignment to a state parking facility within the Capitol Complex, he/she agrees not to park his/her vehicle at any other location within the Capitol Complex. Parking his/her vehicle on a city street within the Capitol Complex constitutes a nonutilization violation;

(15) parking in a handicapped space without displaying a proper permit;

(16) possession or use of a lost/stolen or forged permit;

(17) possession or use of a current permit that has been defaced or altered;

(18) oversized vehicle in a stall marked for small or compact vehicles;

(19) blocking or impeding a crosswalk, driveway, or alley; or

(20) parking in a state parking facility by an employee who has lost his/her parking privileges due to forfeiture.

(e) The following shall constitute other traffic violations for which the penalty shall be a fine not to exceed \$200 in accordance with applicable law:

(1) speeding, i.e., operating a motor vehicle on state property in excess of 15 miles per hour;

(2) other violations of Texas Civil Statutes, Article 6701d, not otherwise specified in this section.

(f) Any person who has received an administrative citation may appeal the citation in accordance with this section.

(1) Administrative review.

(A) Any person who has received an administrative citation may request that the citation be reviewed by the parking administration office. If the request is not made within 10 days, the citation is deemed final.

(B) The review will be made by the supervisor of parking administration or his designee.

(C) After reviewing the circumstances of the administrative citation, the supervisor of parking administration or his designee may order the payment of the administrative fine or the cancellation of such charges. If the citation is upheld and the appealing party fails to pay the charges or to request an appeal within 10 calendar days of the decision, a \$5.00 late charge will be assessed on the citation.

(i) If on reviewing a citation for a violation of subsection (d)(11) of this section, parking in a designated area without displaying proper permit, the supervisor of parking administration or his designee determines that the employee had in fact been issued a permit for the area that was valid at the time the citation was issued, and the same violation had not been committed within the past six months, he/she shall dismiss the citation.

(ii) A second violation within a six-month period will not be dismissed under subsection (f) (1)(C)(i) of this section.

(D) The appealing party will be notified in writing of the decision regarding the review.

(2) Court appeal from administrative review decision.

(A) Any person who has requested a review of an administrative citation and who is not satisfied with the decision may file a written request for a court hearing. If a court hearing is requested, the appeal will be to the court, either municipal or justice, in which the department is currently filing court appearance citations.

(B) Any person who wishes a court hearing must file a written request within 10 calendar days from the decision date shown on the review decision form. When the request is received, parking administration will file a complaint with the appropriate court and issue a court appearance citation. A copy of the citation will be mailed to the appealing party along with

information on how and when to contact the court.

(3) Failure to discharge administrative citation. If a person fails to discharge an administrative citation, either by payment of the fine or by appropriate appeal, the unpaid charges will be entered under his name and he will become subject to forfeiture of his parking privilege under §4.42 of this title and/or §4.43 of this title (relating to Impoundment of Vehicles).

§4.42. Forfeiture of Parking Privilege.

(a) A state employee parking permit may be forfeited for any of the following reasons:

(1) failure to pay parking citation(s) issued by Texas Department of Public Safety;

(2) nonpayment of assessed parking fees;

(3) falsifying data on an application for a parking permit; or

(4) subleasing a parking assignment.

(b) The forfeiture shall be for a period of 90 days.

(c) Upon receipt of information which constitutes prima facie justification for forfeiting of a parking privilege, the parking administration shall send the employee a letter that contains the following:

(1) statement of grounds for the forfeiture;

(2) statement that the forfeiture will be effective at 5 p.m. on the 10th day following the date of the letter;

(3) statement that the employee's vehicle shall be subject to removal and impoundment if found on state property after the forfeiture is effective; and

(4) instructions on how and when to file an appeal.

(d) An appeal must comply with the following:

(1) a written response must be filed with the parking administration no later than the fifth day following the date of the letter giving notice of forfeiture; and

(2) must contain specific reasons why the individual's parking privilege should not be forfeited.

(e) A decision on the appeal shall be made by the Parking Appeals Council as defined in subsection (j) of this section.

(f) The Parking Appeals Council may uphold the forfeiture, or they may cancel the forfeiture, or they may reduce the length of time the forfeiture will be in effect.

(g) In any event, the parking privilege may not be renewed until payment of any outstanding parking fines or fees have been paid.

(h) The employee will be notified in writing of the decision of the Parking Appeals Council.

(i) The decision of the Parking Appeals Council will be final.

(j) Appointment of members of the Parking Appeals Council.

(1) The Parking Appeals Council will be comprised of three members appointed by the commander of the Capitol Police District.

(2) One member will be appointed from the staff of the Capitol Police District and two members will be appointed from the parking coordinators from other state agencies.

(3) The initial appointment will be as follows.

(A) One member will be appointed for three months.

(B) One member will be appointed for six months.

(C) One member will be appointed for nine months.

(4) Each future appointment will be for a six-month period.

§4.43. Impoundment of Vehicles.

(a) When an impound violation has occurred or when necessary to protect the public health, safety, or welfare or to promote and protect a critical state function, the department may impound or cause to be removed any vehicle presenting such an obstacle.

(b) The department may also impound or cause to be removed any permitted or nonpermitted vehicle which has received one or more state citations which have not been timely paid, or any state employee's vehicle whose parking privileges have been forfeited. When unpaid charges are recorded or an employee's parking privileges have been forfeited, the department will send a letter to the last known address of the person.

(c) A vehicle left on state property for a period of more than 48 hours without the approval of the parking administration will be considered abandoned. This does not apply to state-owned vehicles.

(d) Vehicles shall be impounded by or at the direction of the department. The vehicle impounded shall not be released until all outstanding parking citations and towing and storage fees have been paid.

(e) The department shall not be responsible for any fees, costs, or damages resulting from vehicle removal and impoundment.

(f) The term "impoundment" includes removal or immobilization of the vehicle in question.

(g) A vehicle is subject to impoundment under the following circumstances:

(1) parking in a handicapped or reserved space without displaying proper permit;

(2) possession or use of a lost, stolen, or forged permit;

(3) parking on a state parking facility when parking privileges have been forfeited;

(4) parking within any barricaded area;

(5) parking a vehicle on a curb or sidewalk, or in any manner which creates

an obstruction to vehicular or pedestrian traffic; or

(6) parking in a "No Parking" zone or fire zone.

§4.44. *Normal Duty Hours.* Assignments on surface lots or in garages shall allow the permitted employee to utilize the assignment only on state working days, including skeleton holidays, during the hours of 7 a.m. through 6 p.m.

§4.45. *Other Uses of State Parking Areas.* The Texas Department of Public Safety may authorize use of state parking areas outside of normal working hours for other purposes.

§4.46. Visitor Parking Lots.

(a) Visitor parking shall be for the exclusive use of visitors to the complex.

(b) A state employee may use the visitor parking if his/her principal place of employment is outside the Capitol Complex.

(c) Visitor parking lots shall be limited to two-hour parking on all state working days. Request in writing from an agency head or other authorized state official may extend the two-hour limit.

(d) Visitor parking lots shall be open from 7 a.m. until 5 p.m. on all state working days.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208688

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 23, 1992

Expiration date: October 21, 1992

For further information, please call: (512) 465-2000

Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 1. ADMINISTRATION

Part V. General Services Commission

Chapter 111. Executive Administration Division

Administration

• 1 TAC §111.1, §111.2

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

The General Services Commission proposes the repeal of §111.1, and §111.2, concerning administration and meetings. The repeal of §111.1 and §111.2 eliminates unnecessary, obsolete language.

Judith M. Porras, general counsel, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Porras also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clearer and simpler rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the article.

§111.1. Organization.

§111.2. Commission Meetings.

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 June 22, 1992.

TRD-9208675

Judith M. Porras
General Counsel
General Services
Commission

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-3446

• 1 TAC §111.1, §111.3

The General Services Commission proposes new §111.1 and an amendment to §111.3, concerning administration and protest procedures. New §111.1 states the organizational structure of the commission. The amendment to §111.3 clarifies the protest procedure.

Judith M. Porras, general counsel, 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.

Ms. Porras 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 clearer and simpler rules. 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.

Comments on the proposal may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The new section and amendment are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article.

§111.1. Organization.

(a) The commission is composed of six members appointed by the governor to set policy, and employ and direct an executive director. The commissioners retain and exercise all authority and responsibility assigned to them by law and not delegated to the executive director.

(b) The executive director manages the day-to-day business of the commission, employs staff, and carries out other duties

and responsibilities assigned by law or delegated by the commission.

(c) A delegation of authority to the executive director must be made by the commission in an open meeting. The commission may review, modify, or ratify a delegation at any open meeting. A change in membership of the commission does not void an existing delegation of authority; it remains in effect until another one is approved by a quorum of the commission.

(d) All decisions of the commission shall be by majority vote of commissioners present and voting.

§111.3. Protest/Dispute Resolution/Hearing.

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the division director (the director) in whose division the action is (was) being processed. Such protests must be [submitted] in writing and received in the executive director's office within 10 working [14 calendar] days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements of this subsection and subsection (c) of this section, and shall be resolved in accordance with the procedure set forth in subsections (d) and (e) of this section. Copies of the protest must be mailed or delivered by the protesting party to the using agency and other interested parties. For the purposes of this section, "interested parties" means all vendors who have submitted bids or proposals for the contract involved.

(b) In the event of a timely protest or appeal under this section, the state shall not proceed further with the solicitation or with the award of the contract unless the executive director, after consultation with the using agency and the appropriate division director, makes a written determination that the award of contract without delay is necessary to protect substantial interests of the state.

(c) A formal protest must be sworn and contain:

(1) a specific identification of the statutory or regulatory provision(s) [provision] that the action complained of is alleged to have violated;

(2) a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;

(3)[(2)] a precise statement of the relevant facts;

(4)[(3)] an identification of the issue or issues to be resolved;

(5)[(4)] argument and authorities in support of the protest; and

(6)[(5)] a statement [an affidavit] that the contents of the protest are true and accurate; and

[(6) an affidavit] that copies of the protest have been mailed or delivered to the using agency and other identifiable interested parties.

(d) The director shall have the authority, prior to appeal to the executive director of the commission [or to the court having jurisdiction (Travis County, Texas, District Court)], to settle and resolve the dispute concerning the solicitation or award of a contract. The director may solicit written responses to the protest from other interested parties.

(e) (No change.)

(f) The director's determination on a protest may be appealed by an interested party to the executive director of the commission. An appeal of the director's determination must be in writing and must be received in the executive director's office no later than 10 working days after the date of the director's determination. The appeal shall be limited to review of the director's determination. Copies of the appeal must be mailed or delivered by the appealing party to the using agency and other interested parties and must contain an affidavit that such copies have been provided.

(g) The general counsel shall review the protest, director's determination and the appeal[,] and prepare a written opinion with recommendation to the executive director. The executive director may, in his discretion, refer the matter to the commissioners for their consideration at a regularly scheduled open meeting or issue a written decision on the protest[, setting forth the reasons for the decision. A decision issued either by the commissioners in open meeting, or in writing by the executive director shall be the final administrative action appealable only to the Travis County, Texas, District Court.]

(h) When [Where] a protest has been appealed to the executive director un-

der subsection (f) of this section and has been referred to the commissioners by the executive director under subsection (g) of this section, the following requirements shall apply.

(1) (No change.)

(2) All interested parties who wish to make an oral presentation at the open meeting are requested to [shall] notify the commission general counsel at least 48 hours in advance of the open meeting.

(3) The commissioners may consider oral presentations and written documents presented by staff and interested parties. The chairman shall set the order and amount of time allowed for presentations.

[(A) Each interested party shall be allowed a maximum of 10 minutes in which to make an oral presentation.

[(B) Oral presentations shall be made in the following order: staff, the protesting party, and all other interested parties.]

(4) The commissioners' determination of the appeal shall be by duly adopted resolution reflected in the minutes of the open meeting, and shall be [the] final [administrative action, appealable only to Travis County, Texas, District Court].

(i) Unless good cause for delay is shown or the commission determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered. [In the event that a protest is not timely under subsection (a) of this section or an appeal is not timely under subsection (f) of this section, the protest or appeal will not be considered and the protesting or appealing party will be so notified in writing].

(j) A decision issued either by the commissioners in open meeting, or in writing by the executive director, shall be the final administrative action of the commission.

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 June 22, 1992.

TRD-9208673
Judith M. Porras
General Counsel
General Services
Commission

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-3446

Security

• 1 TAC §§111.11-111.19

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

The General Services Commission proposes the repeal of §§111.11-111.19, concerning security. The repeal of §§111.11-111.19 eliminates obsolete language as the security program has been transferred to the Department of Public Safety.

Judith M. Porras, general counsel, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Porras also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be elimination of obsolete rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the article.

§111.11. General.

§111.12. Use of Capitol Rotunda and Grounds.

§111.13. Access to the State Capitol and Other State Buildings in the Capital Complex.

§111.14. Emergency Evacuations.

§111.15. Fire and Safety Inspections.

§111.16. Firearms and Explosive Weapons.

§111.17. Solicitation in State Buildings.

§111.18. Keys and Locksmith Services.

§111.19. Access to SPGSC Areas in State Buildings.

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 June 22, 1992.

TRD-9208674

Judith M. Porras
General Counsel
General Services
Commission

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-3446

Parking

• 1 TAC §§111.31-111.46

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

The General Services Commission proposes the repeal of §§111.31-111.46, concerning parking. The repeal of §§111.31-111.46 eliminates obsolete language as the parking program has been transferred to the Department of Public Safety.

Judith M. Porras, general counsel, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Porras also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the elimination of obsolete rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the article.

§111.31. *General.*

§111.32. *Assignment to a Reserved Space or Facility.*

§111.33. *New Lots or Parking Garages.*

§111.34. *Trades, Transfers, and Terminations.*

§111.35. *Monthly Parking Charges, Payments, and Refunds.*

§111.36. *Priority of Assignments.*

§111.37. *Short-Term Parking Authorizations.*

§111.38. *Sublease and Utilization.*

§111.39. *Car Pool.*

§111.40. *Parking Permits.*

§111.41. *Parking and Traffic Enforcement.*

§111.42. *Forfeiture of Parking Privilege.*

§111.43. *Removal and Impoundment.*

§111.44. *Normal Duty Hours.*

§111.45. *Other Uses of State Parking Areas.*

§111.46. *Visitor Parking Lots.*

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 June 22, 1992.

TRD-9208676

Judith M. Porras
General Counsel
General Services
Commission

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-3446

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 101. General Rules

• 31 TAC §101.1, §101.8

The Texas Air Control Board (TACB) proposes amendments to §101.1 and §101.8, concerning definitions and sampling. The proposed changes to §101.1 have been developed in response to a requirement by the U.S. Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply reasonably available control technology (RACT) requirements to major volatile organic compound (VOC) sources in ozone nonattainment counties which are not presently covered by a RACT rule. The proposed changes to §101.1 have also been developed in order to clarify exist-

ing requirements. Additionally, the TACB proposes to amend §101.8, concerning sampling, to include federal sampling and reporting requirements for air pollution sources equipped with continuous emission monitoring systems (CEMS) or fuel sampling systems.

The proposed changes to §101.1, concerning definitions, update the definition of VOC for consistency with revisions to the corresponding federal definition of VOC recently promulgated by EPA, add a definition for extreme performance coating, revise the definition of surface coating processes to include mirror backing coating, and clarify the existing definitions of gasoline bulk plant and miscellaneous metal parts and products coating. The proposed changes to §101.8, concerning sampling, include new subsections (e), (f), and (g). These subsections will incorporate federal regulations on sampling and reporting for CEMS and fuel sampling/analysis systems.

Bennie Engelke, deputy director of administrative services, 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. There are also no fiscal implications for facilities affected by the definitions. The proposed revisions to §101.8 will require some additional review of industrial reports by state and local governments. The additional cost is expected to be minimal.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of implementing the revisions to §101.1 will be satisfaction of FCAA amendments and EPA requirements, and VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard. The public benefit anticipated as a result of implementing the revisions to §101.8 will be the enhanced ability of the TACB and local air pollution programs to enforce sulfur dioxide emission limits. There will be no effect on small businesses.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont, July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on

the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§101.1. Definitions. Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the board, the terms used by the board have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Extreme performance coating—A coating intended for exposure to extreme environmental conditions, such as continuous outdoor exposure; temperatures frequently above 95 Degrees Celsius (203 Degrees Fahrenheit); detergents; abrasive and scouring agents; solvents; and corrosive solutions, chemicals, or atmospheres.

Gasoline bulk plant—A gasoline loading and/or unloading facility having a gasoline throughput less than 20,000 gallons (75,708 liters) per day, averaged over any consecutive 30-day period. A motor vehicle fuel dispensing facility is not a gasoline bulk plant.

Surface coating processes—Operations which utilize a coating application system.

(A)-(I) (No change.)

(J) **Miscellaneous metal parts and products coating**—The coating of miscellaneous metal parts and products in the following categories:

(i) -(vi) (No change.)

(vii) any other category of coated metal products, except the specified list in subparagraphs (A)-(I) of surface coating processes, including, but not limited to, those which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery),

major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

(K) (No change).

(L) **Mirror backing coating**—The application of coatings to the silvered surface of a mirror.

Volatile organic compound (VOC)—Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1, 1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), 1,1, 1-trichloro-2,2,2-trifluoroethane [trichlorotrifluoroethane] (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane [dichlorotetrafluoroethane] (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2, 2-dichloroethane [dichlorotrifluoroethane] (HCFC-123), 1,1,1, 2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2, 2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane [tetrafluoroethane] (HFC-134a), 1,1-dichloro-1-fluoroethane [dichlorofluoroethane] (HCFC-141b), 1-chloro-1,1-difluoroethane [chlorodifluoroethane] (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1, 1-difluoroethane (HFC-152a), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, [and] ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

(A) cyclic, branched, or linear, completely fluorinated alkanes;

(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(D) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

§101.8. Sampling.

(a)-(d) (No change.)

(e) Any person required to install, maintain, and operate a continuous emission monitoring system (CEMS) under Chapter 112 of this title (relating to Control of Air Pollution from Sulfur Compounds) shall comply with 40 Code

of Federal Regulation 60.13(b)-(j) and 40 Code of Federal Regulation Appendix F, §5.1.2., hereby incorporated by reference. Mass rate monitors may be substituted for concentration monitors with the approval of the executive director.

(f) The executive director may allow the monitoring and test methods contained in 40 Code of Federal Regulation 60.105 and 40 Code of Federal Regulation 60.106, hereby incorporated by reference, to be used in circumstances where fuel sampling analysis is demonstrated to be the only practical method of determining sulfur compound emissions.

(g) Any person required to install, maintain, and operate a CEMS or fuel sampling system under Chapter 112 of this title shall comply with the requirements of 40 Code of Federal Regulation 60.7(c), (d), and (e), hereby incorporated by reference, except that the reports shall be sent to the appropriate regional director of TACB.

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 June 22, 1992.

TRD-9208731

Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter A. Definitions

• 31 TAC §115.10

The Texas Air Control Board (TACB) proposes an amendment to §115.10, concerning definitions. The proposed changes have been developed in response to requirements by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply Stage II gasoline vapor recovery requirements to motor vehicle fuel dispensing facilities in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties). Additionally, the proposed changes have been developed in response to a requirement by EPA and the 1990 FCAA amendments to apply reasonably available control technology (RACT) requirements to major volatile organic compound (VOC) sources in ozone nonattainment counties which are not presently covered by a RACT rule. The proposed changes have also been

developed in order to clarify existing requirements.

The proposed changes to §115.10 add a definition for an independent small business marketer of gasoline, update the definition of VOC for consistency with revisions to the corresponding federal definition of VOC recently promulgated by EPA, add a definition for extreme performance coating, revise the definition of surface coating processes to include mirror backing coating, and clarify the existing definitions of gasoline bulk plant and miscellaneous metal parts and products coating.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government. There are also no fiscal implications for facilities affected by the definitions.

Lane Hartssock, deputy director of air quality planning, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be satisfaction of FCAA amendments and 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.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza; El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendment is proposed under the Texas Clean Air Act (TCAA), §382.017, Texas

Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.10. Definitions. Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the board, the terms used by the board have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Extreme performance coating—A coating intended for exposure to extreme environmental conditions, such as continuous outdoor exposure; temperatures frequently above 95 Degrees Celsius (203 Degrees Fahrenheit); detergents; abrasive and scouring agents; solvents; and corrosive solutions, chemicals, or atmospheres.

Gasoline bulk plant—A gasoline loading and/or unloading facility having a gasoline throughput less than 20,000 gallons (75,708 liters) per day, averaged over any consecutive 30-day period. A motor vehicle fuel dispensing facility is not a gasoline bulk plant.

Independent small business marketer of gasoline—A person engaged in the marketing of gasoline who owns the dispensing equipment at a motor vehicle fuel dispensing facility and receives at least 50% of his annual income from the marketing of gasoline. A person is not an independent small business marketer of gasoline if such person:

- (i) is a refiner; or
- (ii) controls (i.e., owns more than 50% of a business or corporation's stock), is controlled by, or is under common control with, a refiner; or
- (iii) is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner (unless the sole affiliation is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person).

Surface coating processes—Operations which utilize a coating application system.

(A)-(I) (No change.)

(J) **Miscellaneous metal parts and products coating—The coating of miscellaneous metal parts and products in the following categories:**

- (i) -(vi) (No change.)

(vii) any other category of coated metal products, except the specified list in subparagraphs (A)-(I) of surface coating processes, including, but not limited to, those which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

(K) (No change.)

(L) **Mirror backing coating—The application of coatings to the silvered surface of a mirror.**

Volatile organic compound (VOC)—Any compound of carbon or mixture of carbon compounds excluding methane, ethane, 1,1, 1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), 1,1, 1-trichloro-2,2,2-trifluoroethane [trichlorotrifluoroethane] (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane [dichlorotetrafluoroethane] (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro-2, 2-dichloroethane [dichlorotrifluoroethane] (HCFC-123), 1,1,1, 2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2, 2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane [tetrafluoroethane] (HFC-134a), 1,1-dichloro-1-fluoroethane [dichlorofluoroethane] (HCFC-141b), 1-chloro-1,1-difluoroethane [chlorodifluoroethane] (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), 1, 1-difluoroethane (HFC-152a), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, [and] ammonium carbonate, and perfluorocarbon compounds which fall into these classes:

(A) cyclic, branched, or linear, completely fluorinated alkanes;

(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(D) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

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 June 22, 1992.

TRD-9208723 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

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

• 31 TAC §115.116, §115.119

The Texas Air Control Board (TACB) proposes amendments to §115.116 and §115.119, concerning storage of volatile organic compounds (VOC). The proposed changes have been developed to correct the recordkeeping requirements for Victoria County as required by the United States Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other ozone nonattainment areas for consistency with EPA requirements.

The proposed changes to §115.116, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.119, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, 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. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: \$0 for fiscal year (fy) 1992; and \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of imple-

menting the sections will be rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., city of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.116. 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 [yearly] inspections required by §115.114(a) of this title (relating to Inspection Requirements) shall be recorded [each year].
- (3) Affected persons shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including: [For vapor recovery systems, the following information shall be recorded:]

(A) [daily measurements of] the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) [daily measurements of] the inlet and outlet gas temperature of a chiller or catalytic incinerator;

(C) the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred; and

(D) (No change.)

(4) (No change.)

(5) All records shall be maintained for two years and be made available for review upon request by authorized representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or local air pollution control agencies.

(b) For all persons in Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) (No change.)

(2) The results of [yearly] inspections required by §115.114(b) of this title [(relating to Inspection Requirements)] shall be recorded [each year].

(3) In Victoria County, affected persons shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) the inlet and outlet gas temperature of a chiller or catalytic incinerator;

(C) the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred; and

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(4) [(3)] The results of any testing conducted in accordance with the provi-

sions specified in §115.115(b) of this title shall be maintained at an affected facility.

(5)[(4)] All records shall be maintained for two years and be made available for review upon request by authorized representatives of TACB [Texas Air Control Board], EPA [U.S. Environmental Protection Agency], or local air pollution control agencies.

§115.119. Counties and Compliance Schedules.

(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), §115.115(a) of this title (relating to Testing Requirements), §115.116(a) of this title (relating to 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 June 22, 1992.

TRD-9208730

Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Vent Gas Control

• 31 TAC §§115.126, 115.127, 115.129

The Texas Air Control Board (TACB) proposes amendments to §§115.126, 115.127, and 115.129, concerning vent gas control. The proposed changes have been developed to add specific recordkeeping requirements to Victoria County as required by the U.S. Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will as-

sist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.126, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.127, concerning exemptions, relocates an existing exemption for air oxidation synthetic organic chemical manufacturing processes, liquid phase poly-propylene manufacturing processes, liquid phase slurry high-density polyethylene manufacturing processes, or continuous polystyrene manufacturing processes in order to insure consistency with similar existing exemptions in §115.127. The proposed change to §115.129, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, 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. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: \$0 for fiscal year (fy) 1992; \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartssock, deputy director of air quality planning, 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 rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center,

Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, the Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.126. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any facility which emits volatile organic compounds (VOC) through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following.

(1) Records for each vent required to satisfy the provisions of §115.121(a)(2) and (3) of this title (relating to Emission Specifications) shall be sufficient to demonstrate the proper functioning of applicable control equipment to design specifications, including:

(A) continuous monitoring of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) (No change.)

(C) continuous monitoring of the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough;

(D) (No change.)

(E) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in §115.125(a) of this title (relating to Testing Requirements).

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

(b) For Victoria County, the owner or operator of any facility which emits VOC through a stationary vent shall maintain records at the facility for at least two years and shall make such records available to representatives of

TACB, EPA, or any local air pollution control agency having jurisdiction in the area upon request. These records shall include, but not be limited to, the following.

(1) Records for each vent required to satisfy the provisions of §115.121(b) of this title shall be sufficient to demonstrate the proper functioning of applicable control equipment to design specifications, including:

(A) continuous monitoring of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) continuous monitoring of temperatures upstream and downstream of a catalytic incinerator or chiller;

(C) continuous monitoring of the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough;

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities; and

(E) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in §115.125(b) of this title (relating to Testing Requirements).

(2) Records for each vent exempted from control requirements in accordance with §115.127(b) of this title (relating to Exemptions) shall be sufficient to demonstrate compliance with applicable exemption limits, including:

(A) the pounds of ethylene emitted per 1,000 pounds of low-density polyethylene produced;

(B) the combined weight of VOC of each vent gas stream on a daily basis;

(C) the true partial pressure of VOC in each vent gas stream on a daily basis; and

(D) the results of any testing of any vent conducted at an affected facility in accordance with the provisions specified in this section.

(3) Records for each vent exempted from control requirements in ac-

cordance with §115.127(b) of this title and having a VOC emission rate and concentration less than 50% of the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit, including:

(A) complete information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual operating conditions are less than 50% of the applicable exemption limits; and

(B) daily operating parameters which may affect VOC emissions from the vent sufficient to demonstrate that the maximum actual operating conditions represented for the affected facility have not been exceeded.

§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)-(3) (No change.)

(4) In Harris County, and after July 31, 1994, in counties other than Harris, the following vent gas streams are exempt from the requirements of §115.121(a)(3) of this title (relating to Emission Specifications):

(A) a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period;

(B)[(A)] a vent gas stream from any air oxidation synthetic organic chemical manufacturing process with a concentration of VOC less than 0.009 psia true partial pressure (612 ppm); and

(C)[(B)] a vent gas stream from any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, and any continuous polystyrene manufacturing process with a concentration of VOC less than 0.006 psia true partial pressure (408 ppm).

[(C)] a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period.]

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

§115.129. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Vent Gas Control) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.121(a) of this title (relating to Emission Specifications), §115.122(a) of this title (relating to Control Requirements), §115.123(a) of this title (relating to Alternate Control Requirements), §115.125(a) of this title (relating to Testing Requirements), §115.126(a) [§115.126] of this title (relating to Recordkeeping Requirements), and §115.127(a) of this title (relating to Exemptions), as soon as practicable, but no later than July 31, 1994. Sections 115.121(c) of this title, §115.122(c) of this title, §115.123(c) of this title, and §115.127(c) of this title, shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

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

(b) All affected persons in Victoria County shall be in compliance with §115.126(b) 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 June 22, 1992.

TRD-9208729 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Water Separation

• 31 TAC §115.136, §115.139

The Texas Air Control Board (TACB) proposes amendments to §115.136 and §115.139, concerning water separation. The proposed changes have been developed to correct the recordkeeping requirements for Victoria County as required by the United States Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.136, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.139, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, 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. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: \$0 for fiscal year (fy) 1992; \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartssock, deputy director of air quality planning, 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 rules which are more consistent and enforceable. There will be no fiscal implications for small businesses.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, the Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.136. Recordkeeping Requirements.

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

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

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area.

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) Any [any] person who operates a single or multiple compartment VOC water separator without the controls specified in §115.132(b) of this title (relating to Control Requirements) shall maintain complete and up-to-date records sufficient to demonstrate continuous compliance with the applicable exemption criteria including, but not limited to, the names and true vapor pressures of all such materials stored, processed, or handled at the affected property, and any other necessary operational information.

(2) In Victoria County, affected persons shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature immediately downstream of any direct-flame incinerator;

(B) the gas temperature immediately upstream and downstream of any catalytic incinerator or chiller;

(C) the VOC concentration of any carbon adsorption system exhaust gas to determine if breakthrough has occurred; and

(D) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3) Affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.135(b) of this title (relating to Testing Requirements).

(4) All records shall be maintained at the affected facility for at least two years and be made available upon request to representatives of TACB, EPA, or any local air pollution control agency having jurisdiction in the area.

§115.139. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Water Separation) in accordance with the following schedules:

(1)-(2) (No change.)

(b) All affected persons in Victoria County shall be in compliance with §115.136(b) (2) of this title (relating to Recordkeeping Requirements) 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 June 22, 1992.

TRD-9208728 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Subchapter C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

• 31 TAC §§115.211, 115.216, 115.217, 115.219

The Texas Air Control Board (TACB) proposes amendments to §§115.211, 115.216, 115.217, and 115.219, concerning loading and unloading volatile organic compounds. The proposed changes have been developed to add specific recordkeeping requirements for Victoria County as required by the U.S. Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels.

The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements and to restore the emission specification for gasoline terminals in Gregg, Nueces, and Victoria Counties which had been inadvertently deleted during a previous amendment to Regulation V.

The proposed changes to §115.211, concerning emission specifications, restores the gasoline terminal emission specification of 0.67 pounds per 1,000 gallons of gasoline transferred to Gregg, Nueces, and Victoria Counties. The proposed changes to §115.215, concerning testing requirements, clarify the applicability of the test methods. The proposed changes to §115.126, concerning recordkeeping requirements, specify that results of any testing conducted must be maintained and that the operational parameters of any emission control device monitor must be continuously monitored and recorded, and add requirements for Victoria County. The proposed changes to §115.217, concerning exemptions, and §115.219, concerning counties and compliance schedules, update references to rule numbers. An additional change to §115.219, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, 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. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: \$0 for fiscal year (fy) 1992; and \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central

office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.211. Emission Specifications.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.010 of this title (relating to Definitions), the following emission specifications shall apply.

(1)-(2) (No change.)

(b) For all persons in Gregg, Nueces, and Victoria Counties, volatile organic compound (VOC) vapors from gasoline terminals shall be reduced to a level not to exceed 0.67 pounds of VOC from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred.

§115.215. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.211(a) of this title (relating to Emission Specifications) and §115.212(a) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) -(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.211(b) of this title and §115.212(b) of this title [(relating to Control Requirements)] shall be determined by applying the following test methods, as appropriate:

(1)-(8) (No change.)

§115.216. Recordkeeping Requirements.

(a) For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211(a) [§115.211] of this title (re-

lating to Emission Specifications) and §115.212(a) of this title (relating to Control Requirements), the owner or operator of any volatile organic compound (VOC) loading or unloading 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 Air Control Board (TACB), U.S. Environmental Protection Agency (EPA), or any local air pollution control agency having jurisdiction in the area:

(1) (No change.)

(2) for vapor recovery systems:

(A) continuous monitoring and recording of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) continuous monitoring and recording of the inlet and outlet gas temperature of a chiller or catalytic incinerator;

(C) continuous monitoring and recording of the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough; and

(D) (No change.)

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

(5) affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(a) of this title (relating to Testing Requirements).

(b) For facilities in Victoria County affected by §115.211(b) of this title and §115.212(b) of this title, the owner or operator of any VOC loading or unloading 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 TACB, EPA, or any local air pollution control agency having jurisdiction in the area:

(1) a daily record of the total throughput of VOC loaded at the facility;

(2) for vapor recovery systems:

(A) continuous monitoring and recording of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) continuous monitoring and recording of the inlet and outlet gas temperature of a chiller or catalytic incinerator;

(C) continuous monitoring and recording of the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough; and

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities;

(3) for gasoline terminals:

(A) a daily record of the number of delivery vessels loaded at the terminal and the quantity of gasoline loaded to each delivery vessel; and

(B) a record of the results of any testing conducted at the terminal in accordance with the provisions specified in §115.215(b) of this title.

(4) affected persons shall maintain the results of any testing conducted in accordance with the provisions specified in §115.215(b) of this title.

§115.217. Exemptions.

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

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

(6) Gasoline bulk plants which have a gasoline throughput less than 4,000 gallons (15,142 liters) per day averaged over any consecutive 30-day period are exempt from the provisions of §115.211(a)(2) [§115.211(2)] of this title (relating to Emission Specifications), §115.212(a)(5) of this title (relating to Control Requirements), and §115.216(4) of this title (relating to Recordkeeping Requirements).

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

§115.219. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.211(a) [§115.211] of this title (relating to Emission Specifications), §115.212(a) of this title (relating to Control Requirements), §115.213(a) of this title

(relating to Alternate Control Requirements), §115.214(a) of this title (relating to Inspection Requirements), §115.215(a) of this title (relating to Testing Requirements), §115.216(a) [§115.216] of this title (relating to Recordkeeping Requirements), and §115.217(a) of this title (relating to Exemptions), as soon as practicable, but no later than January 31, 1994. Section 115.212(c) of this title, §115.213(c) of this title, and §115.217(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

(2) All affected persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.211(a)(1)(B) [§115.211(1)(B)] of this title [(relating to Emission Specifications)] as soon as practicable, but no later than January 31, 1994.

(3) All affected persons in Brazoria, Dallas, El Paso, Galveston, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.211(a)(2) [§115.211(2)] of this title [(relating to Emission Specifications)] as soon as practicable, but no later than January 31, 1994.

(4) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.212(a)(4) and (5) of this title [(relating to Control Requirements)], §115.214(a)(4) of this title [(relating to Inspection Requirements)], and §115.216(a)(4) [§115.216(4)] of this title [(relating to Recordkeeping Requirements)] as soon as practicable, but no later than January 31, 1994.

(5)-(6) (No change.)

(b) All affected persons in Victoria County shall be in compliance with §115.216(b) 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 June 22, 1992.

TRD-9208727 Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities

• 31 TAC §§115.241-115.249

The Texas Air Control Board (TACB) proposes new §§115.241-115.249, concerning control of vehicle refueling emissions (Stage

II) at motor vehicle fuel dispensing facilities. This new undesignated head will be included in Subchapter C, concerning volatile organic compound marketing operations. The proposed changes have been developed in response to requirements by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply Stage II gasoline vapor recovery requirements to motor vehicle fuel dispensing facilities in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties). In concurrent action, the TACB proposes to repeal the undesignated head, concerning control of Reid vapor pressure of gasoline which includes §115.249. The proposed repeal of §115.249, concerning counties and compliance schedules, involves removal of existing requirements which were superseded by more stringent federal requirements that became effective on May 1, 1992.

The proposed §115.241, concerning emission specifications, specifies a required control efficiency of 95%. The proposed §115.242, concerning Control Requirements, specifies that Stage II vapor recovery systems selected for installation must be certified by the California Air Resources Board (CARB); requires that the Stage II vapor recovery system be maintained in proper operating condition and specifies prohibited defects that would impair the effectiveness of the system; prohibits gasoline leaks in the system; requires defective equipment to be taken out of service and labeled with an "Out-of-Order" tag; specifies gasoline dispensing pump labeling requirements; prohibits unauthorized modifications or tampering; and specifies that once a facility is required to install Stage II equipment, the control requirements will always apply. The proposed §115.243, concerning alternate control requirements, specifies that alternate control requirements may be approved by the executive director. The proposed §115.244, concerning inspection requirements, requires daily inspections of the Stage II equipment. The proposed §115.245, concerning Testing Requirements, requires performance testing of Stage II equipment within 10 days of installation and retesting at least every five years or upon major system replacement or modification. The proposed §115.246, concerning recordkeeping requirements, requires that maintenance, inspection, training, and testing records be maintained. The proposed §115.247, concerning exemptions, specifies the exemptions from Stage II requirements. The proposed §115.248, concerning training requirements, specifies a mandatory training program. The proposed §115.249, concerning counties and compliance schedules, specifies the applicable counties and the compliance dates for the requirements.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect, the estimated annual cost to state and local governments associated with additional enforcement requirements would be \$2 million. Economic costs to small businesses, individuals, and businesses required to implement the proposed measures

are associated with the abatement, inspection, and recordkeeping requirements and are estimated as follows: per facility—\$20,000 in 1993; \$2,000 in 1994; \$2,000 in 1995; and \$2,000 in 1996.

Any costs continuing beyond 1996 would be operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, 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 EPA requirements, volatile organic compounds emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard, and reduced public exposure to benzene.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and July 30, 1992, 2 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act, (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.241. Emission Specifications. No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas as defined in §115.010 of this

title (relating to Definitions) shall transfer or allow the transfer of gasoline from any stationary storage container into a motor vehicle fuel tank, unless an approved Stage II vapor recovery system has been installed which is certified to reduce the emissions of volatile organic compounds (VOC) to the atmosphere by at least 95%.

§115.242. Control Requirements. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas affected by this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities), a vapor recovery system will be assumed to comply with the specified emission limitation of §115.241 of this title (relating to Emission Specifications) if the following conditions are met.

(1) The facility is equipped with a Stage II vapor recovery system that has been certified by a California Air Resources Board (CARB) Executive Order concerning Stage II vapor recovery systems as of April 1992, excluding Stage II vapor recovery systems which include remote vapor check valves and/or dual-hang hoses.

(2) The owner or operator shall maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and free of defects that would impair the effectiveness of the system, including, but not limited to:

(A) absence or disconnection of any component that is a part of the approved system;

(B) a vapor hose that is crimped or flattened such that the vapor passage is blocked, or the pressure drop through the vapor hose exceeds by a factor of two or more the value as certified in the approved system;

(C) a nozzle boot that is torn in one or more of the following ways:

(i) a triangular-shaped or similar tear more than 0.5 inches on a side;

(ii) a hole more than 0.5 inches in diameter; or

(iii) a slit more than 1.0 inch in length;

(D) for balance nozzles, a faceplate that is damaged such that the capability to achieve a seal with a fill pipe interface is affected for a total of at least one-fourth of the circumference of the faceplate;

(E) for nozzles in vacuum assist type systems, a flexible cone for which a total of at least one-fourth of the cone is damaged or missing;

(F) a nozzle shutoff mechanism that malfunctions in any manner;

(G) vapor return lines, including such components as swivels, anti-recirculation valves, and underground piping, that malfunction, are blocked, or are restricted such that the pressure drop through the line exceeds by a factor of two or more the value as certified in the approved system;

(H) a vapor processing unit that is inoperative;

(I) a vacuum producing device that is inoperative;

(J) pressure/vacuum relief valves, vapor check valves, or dry breaks that are inoperative; and

(K) any equipment defect that is identified in a CARB certification of an approved system as substantially impairing the effectiveness of the system in reducing refueling vapor emissions.

(3) No gasoline leaks, as detected by sight, sound, or smell, exist anywhere in the dispensing equipment or Stage II vapor recovery system.

(4) Upon identification of any of the defects described in paragraphs (2) and (3) of this section, the owner or operator shall place a dated "Out-of-Order" tag on all dispensing equipment for which vapor recovery has been impaired. The tagged equipment shall not be used and the tag shall not be removed until the defective equipment has been properly repaired, replaced, or adjusted, as necessary.

(5) No person shall repair, modify, or permit the repair or modification of the Stage II vapor recovery system or its components such that they are different from their approved configuration, and only original equipment manufacturer (OEM) parts or CARB-certified non-OEM aftermarket parts shall be used as replacement parts.

(6) No person shall tamper with, or permit tampering with, any part of the Stage II vapor recovery system in a manner that would impair the operation or effectiveness of the system.

(7) The owner or operator of a motor vehicle fuel dispensing facility shall post operating instructions conspicuously on

the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. These instructions shall, at a minimum, include:

(A) a clear description of how to correctly dispense gasoline using the system;

(B) a warning against attempting to continue to refuel after initial automatic shutoff of the system (an indication that the vehicle fuel tank is full); and

(C) the telephone number and address of the appropriate TACB Regional Office to be used for questions, comments, or the reporting of any problems experienced with the system.

(8) Any motor vehicle fuel dispensing facility that becomes subject to the provisions of this undesignated head by exceeding the exemption limits of §115.247 of this title (relating to Exemptions) will remain subject to the provisions of this undesignated head even if its gasoline throughput later falls below exemption limits.

§115.243. Alternate Control Requirements. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas affected by this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements in this undesignated head may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if:

(1) emission reductions are demonstrated to be substantially equivalent; and

(2) the Stage II vapor recovery system has been certified by CARB.

§115.244. Inspection Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the owner or operator of any motor vehicle fuel dispensing facility subject to the control requirements of this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) shall conduct daily inspections of the Stage II vapor recovery system for the defects specified in §115.242(2) and (3) of this title (relating to Control Requirements).

§115.245. Testing Requirements. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Hous-

ton/Galveston Areas, compliance with §115.241 of this title (relating to Emission Specifications) and §115.242 of this title (relating to Control Requirements) shall be determined at each facility within 30 days of installation of the Stage II equipment by testing as follows.

(1) Liquid blockage testing, leak check testing, and all other related tests for automatic shutoff and flow prohibiting mechanisms, as applicable, shall be conducted in accordance with the test procedures found in Appendix J of the United States Environmental Protection Agency guidance document *Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities* (EPA-450/3-91-022b) as in effect November, 1991. The owner or operator shall provide written notification to the appropriate Texas Air Control Board (TACB) Regional Office and any local air pollution program with jurisdiction of the testing date and who will conduct the test at least 10 days in advance of the date the testing will occur.

(2) Verification of proper operation of the Stage II equipment shall be performed at least every five years or upon major system replacement or modification, whichever occurs first. The verification shall include a leak check test and all other functional tests that were required for the initial system test. A major system replacement or modification is considered to be the replacing, repairing, or upgrading of 75% or more of a facility's Stage II equipment. The owner or operator shall provide written notification to the appropriate Texas Air Control Board (TACB) Regional Office and any local air pollution program with jurisdiction of the testing date and who will conduct the test at least 10 days in advance of the date the testing will occur.

(3) Minor modifications of these test methods may be approved by the executive director.

§115.246. Recordkeeping Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the owner or operator of any motor vehicle fuel dispensing facility subject to the control requirements of this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) shall maintain the following records at the facility for at least two years:

(1) a copy of the California Air Resources Board Executive Order for the Stage II vapor recovery system installed at the facility;

(2) a record of any maintenance conducted on any part of the Stage II equipment, including a general part description,

the date of repair or replacement, the replacement part manufacturer's information, a general description of the part location in the system (e.g., pump number, etc.), a description of the problem, and the time period and duration of each malfunction of the system;

(3) proof of attendance and completion of the training specified in §115.248 of this title (relating to Training Requirements), with the documentation of all Stage II training for each employee to be maintained as long as that employee continues to work at the facility;

(4) a record of the results of testing conducted at the motor vehicle fuel dispensing facility in accordance with the provisions specified in §115.245 of this title (relating to Testing Requirements); and

(5) a record of the results of the daily inspections conducted at the motor vehicle fuel dispensing facility in accordance with the provisions specified in §115.244 of this title (relating to Inspection Requirements).

§115.247. Exemptions. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following are exempt from the requirements of this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities):

(1) gasoline dispensing equipment used exclusively for the fueling of aircraft, marine vessels, or implements of agriculture; and

(2) any motor vehicle fuel dispensing facility for which construction began prior to November 15, 1992 and which has a monthly throughput of less than 10,000 gallons of gasoline. For the purposes of this paragraph, the monthly throughput shall be based on the gasoline throughput for each calendar month beginning January 1, 1991.

§115.248. Training Requirements. For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas affected by this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities), the following training requirements apply.

(1) The owner or operator of a motor vehicle fuel dispensing facility shall ensure that at least one facility representative receive training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the Texas Air Control Board (TACB). Each such facility representative is then responsi-

ble for making every current and future employee aware of the purposes and correct operating procedures of the system. The required training shall be completed as soon as practicable prior to the initiation of operation of the facility's Stage II equipment.

(2) If the facility representative who received the training is no longer employed at that facility, another facility representative must successfully complete the training within three months of the departure of the previously trained employee.

(3) Training will include, but is not limited to, the following:

(A) purposes and effects of the Stage II vapor recovery system program;

(B) equipment operation and function specific to each facility's Stage II vapor recovery system,

(C) maintenance schedules and requirements for the facility's equipment;

(D) equipment warranties;

(E) equipment manufacturer contacts (names, addresses, and telephone numbers) for parts and service; and

(F) enforcement consequences for noncompliance with Stage II program requirements.

§115.249. 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 this undesignated head (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) according to the following schedules:

(1) as soon as practicable, but no later than May 15, 1993, for facilities for which construction began after November 15, 1990;

(2) as soon as practicable, but no later than November 15, 1993, for facilities with a monthly throughput of more than 100,000 gallons of gasoline. For the purposes of this subsection, the monthly throughput shall be based on the gasoline throughput for each calendar month beginning January 1, 1991;

(3) as soon as practicable, but no later than November 15, 1994, for all other facilities, except that individual inde-

pendent small business marketers of gasoline, as defined in §115.010 of this title (relating to Definitions), may petition the Executive Director for an extension of the compliance deadline to November 15, 1995, provided that the petition is submitted no later than November 15, 1993 and approved by the Executive Director; and

(4) if more than one of the compliance schedules in paragraphs (1)-(3) of this section (relating to Counties and Compliance Schedules) applies to a facility, the earliest compliance schedule shall take precedence.

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 June 22, 1992.

TRD-9208726 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Control of Reid Vapor Pressure of Gasoline

• 31 TAC §115.249

(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 Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes to repeal the undesignated head, concerning control of reid vapor pressure of gasoline. The proposed repeal of §115.249, concerning counties and compliance schedules, involves removal of existing requirements which were superseded by more stringent federal requirements that became effective on May 1, 1992. In concurrent action, TACB proposes a new undesignated head concerning Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities. This new undesignated head will be included in Subchapter C, concerning Volatile Organic Compound Marketing Operations.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed repeal is in effect, there would be no fiscal implications for state and local governments. There are also no fiscal implications for facilities affected by the proposed repeal.

Lane Hartsock, deputy director of air quality planning, has determined that the public benefit anticipated as a result of repealing the section will be the removal of a rule which is no longer applicable because of federal rulemaking. Since the rule is not enforceable, the repeal will eliminate the possibility for

confusion and misunderstanding. There is no fiscal impact for small businesses.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The repeal is proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.249. Counties and Compliance Schedules.

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 June 22, 1992.

TRD-9208725 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Subchapter D. Petroleum Refining and Petrochemical Processes

Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries

• 31 TAC §115.316, §115.319

The Texas Air Control Board (TACB) proposes amendments to §115.316 and §115.319, concerning process unit turnaround and vacuum-producing systems in petroleum refineries. The proposed changes have been developed to add specific recordkeeping requirements to Victoria County as required by the United States Environmental Protection Agency (EPA) in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. The changes have also been developed to modify existing recordkeeping requirements for other nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.316, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded, and add requirements for Victoria County. The proposed change to §115.319, concerning counties and compliance schedules, adds a compliance date for the new requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect there would be no fiscal implications for state and local government. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per VOC monitoring unit \$0 for fiscal year (fy) 1992; and \$15,000 for fys 1993-1995. Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, 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 rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and July 30, 1992, 2 p.m., City of Arlington Council Cham-

bers, 101 West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed for adoption under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.316. Recordkeeping Requirements.

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

(1) Any person who operates a vacuum-producing system affected by §115.311(a) of this title (relating to Emission Specifications) shall keep the following records:

(A) continuous monitoring of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) (No change.)

(C) continuous monitoring of the exhaust gas volatile organic compound (VOC) concentration of any carbon adsorption system to determine breakthrough; and

(D) (No change.)

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

(4) All records shall be maintained for two years and be made available for review upon request by authorized representatives of the Texas Air Control Board

(TACB), United States Environmental Protection Agency (EPA), or local air pollution control agencies.

(b) For all affected persons in Victoria County, the following recordkeeping requirements shall apply.

(1) Any person who operates a vacuum-producing system affected by §115.311(b) of this title shall keep the following records:

(A) continuous monitoring of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) continuous monitoring of temperatures upstream and downstream of a catalytic incinerator or chiller;

(C) continuous monitoring of the exhaust gas VOC concentration of any carbon adsorption system to determine breakthrough; and

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(2) Any person who conducts a process unit turnaround affected by §115.312(b) of this title (relating to Control Requirements) shall keep the following records:

(A) the date of process unit shutdown and subsequent start-up following turnaround;

(B) the type of process unit involved in the turnaround; and

(C) an estimation of the concentration and total emissions of VOC emissions released to the atmosphere during the process turnaround.

(3) The results of any testing conducted in accordance with the provisions specified in §115.315(b) of this title (relating to Testing Requirements) shall be maintained at the affected facility.

(4) All records shall be maintained for two years and be made available for review upon request by authorized representatives of TACB, EPA, or local air pollution control agencies.

§115.319. Counties and Compliance Schedules.

(a) All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas shall

be in compliance with this undesignated head (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.311(a) of this title (relating to Emission Specifications), §115.312(a) of this title (relating to Control Requirements) §115.313(a) of this title (relating to Alternate Control Requirements), §115.315(a) of this title (relating to Testing Requirements), and §115.316(a) [§115.316] of this title (relating to Recordkeeping Requirements), as soon as practicable, but no later than July 31, 1993.

(2) All persons in Dallas, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.316(a) [§115.316] of this title [(relating to Recordkeeping Requirements)] shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.

(b) All affected persons in Victoria County shall be in compliance with §115.316(b) 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 June 22, 1992.

TRD-9208724 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Subchapter E. Solvent-Using Processes

Surface Coating Processes

- 31 TAC §§115.421, 115.422, 115.425, 115.426, 115.427, 115.429

The Texas Air Control Board (TACB) proposes amendments to §§115.421, 115.422, 115.425, 115.426, 115.427, and 115.429, concerning surface coating processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) and the 1990 Federal Clean Air Act (FCAA) amendments to apply reasonably available control technology (RACT) requirements to major volatile organic compound (VOC) sources in ozone nonattainment counties (Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin,

Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties) which are not presently covered by a RACT rule. The proposed changes have also been developed to revise existing recordkeeping requirements in Victoria County for consistency with EPA requirements as required by EPA in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. Additionally, the changes have been developed to modify existing recordkeeping requirements for other ozone nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.421, concerning emission specifications, specify emission limitations for coatings used in mirror backing coating operations. The proposed change to §115.422, concerning control requirements, prohibits the use of the least-efficient spray equipment at most surface coating facilities. The proposed changes to §115.425, concerning testing requirements, add a requirement for capture efficiency testing at mirror backing coating facilities which are equipped with add-on controls. The proposed changes to §115.426, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed changes to §115.427, concerning exemptions, specify exemption levels for mirror backing coating operations and clarify the applicability of existing exemptions for automobile refinishing and architectural coatings. The proposed changes to §115.429, concerning counties and compliance schedules, specify the applicable counties and add a compliance date for the new monitoring requirements in Victoria County and new transfer efficiency and mirror backing coating requirements.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect there would be no fiscal implications for persons or for state and local government. Economic costs to small businesses and businesses required to implement the proposed measures may vary from no cost if compliant coatings are readily available for the specific application and the facility already has efficient coating application equipment to the following estimated costs associated with the expanded abatement, monitoring, and recordkeeping requirements: per spray gun \$0 for fiscal year (fy) 1992, \$450 for fy 1993, and \$0 for fys 1994-1996, per facility control unit \$0 for fy 1992 and \$150,000 for fys 1993-1996, and per VOC monitoring unit \$0 for fy 1992 and \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, 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 EPA requirements, VOC emission reductions in ozone nonattainment areas which are necessary for the timely attainment of the ozone standard, and rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston, July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont, July 29, 1992, 6 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, and July 30, 1992, 2 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.421. Emission Specifications.

(a) No person 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) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title [(relating to Definitions)] affected by paragraphs (1)-(12) [(1)-(11)] of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area and those in paragraph (11) of this

subsection which are based on the VOC content of architectural coatings sold or offered for sale.

(1)-(11) (No change.)

(12) Surface coating of mirror backing.

(A) After July 31, 1994, VOC emissions from the coating of mirror backing shall not exceed the following limits for each surface coating application method:

(i) 9.8 pounds per gallon (0.50 kg/liter) of solids delivered to a curtain coating application system;

(ii) 7.1 pounds per gallon (0.43 kg/liter) of solids delivered to a roll coating application system.

(B) All VOC emissions from solvent washings shall be included in determination of compliance with the emission limitations in subparagraph (A) of this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(b) (No change.)

§115.422. Control Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas the following control requirements shall apply:

(1)-(2) (No change.)

(3) After December 31, 1993, air atomization and airless spray equipment shall not be used to apply coatings at facilities affected by §115.421(a) of this title, unless specifically approved by the executive director based on the technical infeasibility of alternative systems.

§115.425. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following testing requirements shall apply.

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

(4) The capture efficiency shall be measured using applicable procedures outlined in 40 Code of Federal Regulations Part 52.741, Subpart O, Appendix B. These procedures are:

Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure;

Procedure L—Volatile Organic Compounds (VOC) Input;

Procedure G.2—Captured VOC Emissions (Dilution Technique);

Procedure F.1—Fugitive VOC Emissions from Temporary Enclosures;

Procedure F.2—Fugitive VOC Emissions from Building Enclosures.

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

(C) The following conditions must be met in measuring capture efficiency.

(i) (No change.)

(ii) All affected facilities shall accomplish the initial capture efficiency testing by July 31, 1992, in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties, and by July 31, 1993, in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties, except that all mirror backing coating facilities shall accomplish the initial capture efficiency testing by July 31, 1994.

(iii) (No change.)

(b) (No change.)

§115.426. Recordkeeping Requirements.

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

(1) (No change.)

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications; including:

(i) continuous monitoring of the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(ii) -(iv) (No change.)

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

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

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) (No change.)

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive

director in accordance with §115.423(b)(3) of this title [(relating to Alternate Control Requirements)] shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications; including:

(i) continuous monitoring of the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(ii) -(iv) (No change.)

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

(3) (No change.)

§115.427. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

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

(5) In Dallas, El Paso, Harris, and Tarrant Counties, and after July 31, 1993, in counties other than Dallas, El Paso, Harris, and Tarrant, the following exemptions shall apply to surface coating operations, except for aircraft prime coating controlled by §115.421(a)(9)(A)(v) of this title (relating to Emission Specifications) and automobile and truck refinishing controlled by §115.421(a)(8)(B) and (C) of this title.

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

(C) Mirror backing coating operations located on a property which, when uncontrolled, emit a combined weight of VOC less than 25 tons in one year (based on historical coating and solvent usage) are exempt from the provisions of this undesignated head (relating to Surface Coating Processes).

(6) The following coatings are exempt from the provisions of §115.421(a)(11) of this title [application of this undesignated head (relating to Surface Coating Processes)]:

(A) paints sold in containers of one quart or less;

(B) paints used on roadways, pavement, swimming pools, and similar surfaces; and

(C) concentrated color additives. [; and]

[(D) sealants applied over bare metal during automobile refinishing solely for the prevention of flash rusting.]

(7) Sealants applied over bare metal during automobile refinishing solely for the prevention of flash rusting are exempt from the provisions of §115.421(a)(8)(C) of this title.

(b) (No change.)

§115.429. *Counties and Compliance Schedules.*

(a)-(c) (No change.)

(d) All affected mirror backing coating facilities in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with §115.421(a) of this title (relating to Emission Specifications), §115.422 of this title (relating to Control Requirements), §115.423(a) of this title (relating to Alternate Control Requirements), §115.424(a) of this title (relating to Inspection Requirements), §115.425(a) of this title (relating to Testing Requirements), §115.426(a) of this title (relating to Recordkeeping Requirements), and §115.427(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994.

(e) All affected surface coating facilities in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with the transfer efficiency requirements specified in §115.422(3) of this title as soon as practicable, but no later than December 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 June 22, 1992.

TRD-9208722 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

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Subchapter E. Solvent-Using Processes

Graphic Arts (Printing) by Rotogravure and Flexographic Processes

• 31 TAC §115.436, §115.439

The Texas Air Control Board (TACB) proposes amendments to §115.436 and §115.439, concerning graphic arts (printing) by rotogravure and flexographic processes. The proposed changes have been developed to revise existing recordkeeping requirements in Victoria County for consistency with United States Environmental Protection Agency (EPA) requirements as required by EPA in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. Additionally, the changes have been developed to modify existing recordkeeping requirements for other ozone nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.436, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.439, concerning counties and compliance schedules, adds a compliance date for the new monitoring requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, 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. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit: \$0 for fiscal year (fy) 1992, \$15,000 for fys 1993-1996.

Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, 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 rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington Council Chambers, 101

West Abram Street, Arlington. Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.436. *Recordkeeping Requirements.*

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any graphic arts facility subject to the control requirements of §115.432(a) of this title (relating to Control Requirements) shall:

(1)-(2) (No change.)

(3) install and maintain monitors to continuously [accurately] measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

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

(C) the VOC concentration of any [continuous monitoring of] carbon adsorption system [bed] exhaust to determine if breakthrough has occurred; and

(D) (No change.)

(4) -(6) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of any graphic arts facility subject to the control

requirements of §115.432(b) of this title [(relating to Control Requirements)] shall:

(1)-(2) (No change.)

(3) install and maintain monitors to continuously [accurately] measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) (No change.)

(B) the total amount of VOC recovered by a carbon adsorption or other solvent recovery system during a calendar month; [and]

(C) in Victoria County, the VOC concentration of any carbon adsorption system exhaust to determine if breakthrough has occurred; and

(D)[(C)] the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities;

(4)-(5) (No change.)

§115.439. Counties and Compliance Schedules.

(a)-(c) (No change.)

(d) All affected persons in Victoria County shall be in compliance with §115.436(b)(3)(C) 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 June 22, 1992.

TRD-9208721

Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

Subchapter F. Miscellaneous Industrial Sources

Pharmaceutical Manufacturing Facilities

• 31 TAC §115.536, §115.539

The Texas Air Control Board (TACB) proposes amendments to §115.536 and §115.539, concerning pharmaceutical manu-

facturing facilities. The proposed changes have been developed to revise existing recordkeeping requirements in Victoria County for consistency with United States Environmental Protection Agency (EPA) requirements as required by EPA in order to facilitate the reclassification of Victoria County as an ozone attainment county. The proposed recordkeeping requirements in Victoria County will be consistent with those in the other nonattainment counties and will assist in maintaining acceptable ozone levels. Additionally, the changes have been developed to modify existing recordkeeping requirements for other ozone nonattainment counties for consistency with EPA requirements.

The proposed changes to §115.536, concerning recordkeeping requirements, specify that the operational parameters of any emission control device monitor must be continuously monitored and recorded. The proposed change to §115.539, concerning counties and compliance schedules, adds a compliance date for the new monitoring requirements in Victoria County.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the proposed sections are in effect, there would be no fiscal implications for state and local governments. Economic costs to persons and businesses required to implement the proposed measures are associated with the expanded monitoring and recordkeeping requirements and are estimated as follows: per volatile organic compound monitoring unit—\$15, 000 in 1993-1996.

Any costs continuing beyond 1996 would be operating, inspection, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartssock, deputy director of air quality planning, 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 rules which are more consistent and enforceable.

Public hearings on this proposal are scheduled for the following times and places: July 27, 1992, 7 p.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; July 28, 1992, 10 a.m., John Gray Institute, 855 Florida Avenue, Beaumont; July 29, 1992, 6 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; July 30, 1992, 2 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Staff members will be available to discuss the proposal 30 minutes prior to each hearing. Public comments, both oral and written, on the proposed changes are invited at the hearings.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through July 31, 1992. Mate-

rial received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Clean Air Act, (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.536. Recordkeeping Requirements.

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

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of volatile organic compound (VOC) from process units affected by §115.531(a)(1) of this title (relating to Emission Specifications) shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(a) of this title [(relating to Emission Specifications)] or §115.532(a) of this title (relating to Control Requirements) shall:

(A) install and maintain monitors to continuously [accurately] measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including [such as]:

(i) (No change.)

(ii) the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred,

(iii)-(iv) (No change.)

(B) (No change.)

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

(5) The owner or operator of

any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or local air pollution control agency.

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of VOC from process units affected by §115.531(b)(1) of this title [(relating to Emission Specifications)] shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(b) of this title [(relating to Emission Specifications)] or §115.532(b) of this title [(relating to Control Requirements)] shall:

(A) install and maintain monitors to continuously [accurately] measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including [such as]:

(i) (No change.)

(ii) in Victoria County, the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred;

(iii)[(ii)] the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month; or

(iv)[(iii)] the daily emission rate of VOC from the control device;

(B) (No change.)

(3)-(5) (No change.)

§115.539. *Counties and Compliance Schedules.*

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

(c) All affected persons in Victoria County shall be in compliance with §115.536(b)(2)(A)(iii) of this title (relating to Recordkeeping Requirements) 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 June 22, 1992.

TRD-9208720

Lane Harbeck
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: September 15, 1992

For further information, please call: (512) 908-1451

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 9. Property Tax Administration

Subchapter A. Practice and Procedure

• 34 TAC §9.17, §9.19

The Comptroller of Public Accounts proposes new §9.17 and §9.19, concerning notice of effective and rollback tax rates and notice of public hearing to increase tax rates. The new sections are necessary because Senate Bill 351, as amended by House Bill 1298, 72nd Legislature, 1991, and House Bill 93, 72nd Legislature, 1991, required changes in these notices. The new sections reflect changes in the rollback rate calculation for a school district and a county. In addition, the 72nd Legislature, 1991, Second Called Session, transferred responsibility for adopting property tax rules to the comptroller effective November 24, 1991.

Tom Plaut, chief revenue estimator 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.

Dr. Plaut 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 is in providing new information regarding tax responsibilities. 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.

Comments on the proposal may be submitted to Barbara Truesdale, Manager, Property Tax Division, 4301 Westbank Drive, Suite 100, Austin, Texas 78746-6565.

The new sections are proposed under the Tax Code, §26.06(g), which requires the comptroller to prescribe the language and format to be used in the notice of public hearing on tax increase and §26.04, which requires the comptroller to prescribe the form for publishing notice of effective and rollback tax rates.

§9.17. *Notice of Public Hearing on Tax Increase.*

(a) A taxing unit that is required by the Tax Code, §26.06, to publish a notice of public hearing on a proposed tax increase shall use the form and wording of model Form 26.06 in publishing the notice.

(b) Model Form 26.06 is adopted by reference. Copies may be obtained from the Comptroller of Public Accounts, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

§9.19. *Notice of Effective and Rollback Tax Rates.*

(a) A taxing unit shall use the form and wording of model Form 26.04 in publishing the notice of effective tax rate and other information required to be published by the Tax Code, §26.04(e). A county may modify the model form by inserting additional columns of effective and rollback rate calculations for each type of tax the county levies. A form so modified must also state the total effective and rollback tax rates for the county.

(b) The type size used in the notice may not be smaller than eight points.

(c) Notice for taxing units may be combined, provided each meets the requirements of subsection (b) of this section.

(d) Model Form 26.04 is adopted by reference.

(e) Copies may be obtained from the Comptroller of Public Accounts, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

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 June 22, 1992.

TRD-9208645

Marlin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 463-4028

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System

Chapter 65. Executive Director

• 34 TAC §65.3

The Employees Retirement System proposes an amendment to §65.3, concerning records

of the system to set guidelines for charges to persons requesting copies of documents.

William S. Nail, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Nail 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 as proposed will be that the rule will provide information as to charges for those persons who want documents reproduced by the Employees Retirement System of Texas. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Government Code, §815.102, which provides the Employees Retirement System with the authority to adopt rules for the administration of the funds of the retirement system.

§65.3. Records of the System.

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

(c) Copies of open records, minutes, and documents shall be made available to any person requesting non-certified photographic reproductions as required by Texas Civil Statutes, Article 6252-17a, and at a charge per page as published in the rules of the General Services Commission (1 TAC §§111.61-111.63).

(d) No charge shall be made for one copy of any public record requested by members of the Texas Legislature in the performance of their duties or if the Employees Retirement System of Texas determines that furnishing the records without cost can be considered as primarily benefiting the general public.

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 June 24, 1992.

TRD-9208714 Charles D. Travis
Executive Director
agency

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 867-3336



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 4. Capitol Police

Protection of State Buildings and Grounds

• 37 TAC §§4.1-4.10

(Editor's Note: The Texas Department of Public Safety proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)

The Texas Department of Public Safety proposes new §§4.1-4.10, concerning protection of state buildings and grounds. These sections are filed for simultaneous publication because an emergency exists. These sections are necessary to provide a safe work environment for state officials and employees, to protect the grounds, public buildings, and property of the state, to regulate entrance to and public use of state-owned buildings, and to investigate criminal activity. These sections further promulgate regulations for evacuations, after-hour entrance, and control of key and lock systems.

Melvin C. Peebles, assistant chief of fiscal affairs, 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.

George C. King, chief, traffic law enforcement, 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 to ensure the public that state-owned buildings and property are properly secured, accessible to the public, and a safe work environment is provided to state officials and employees. 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.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The new sections are proposed under the Texas Government Code, §411.006(4), which provides the director with authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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 June 22, 1992.

TRD-9208687 James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 465-2000

◆ ◆ ◆ Parking and Traffic Administration

• 37 TAC §§4.31-4.46

(Editor's Note: The Texas Department of Public Safety proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)

The Texas Department of Public Safety proposes new §§4.31-4.46, concerning parking and traffic administration. These sections are filed for simultaneous publication because an emergency exists. These sections are necessary to provide for the most equitable and economical parking facilities for state employees, state officials, and the visiting public. The sections further promulgate regulations regarding reserved parking, free parking, penalties for violation, and administrative adjudication. The annual reserved parking fee continues without any change.

Melvin C. Peebles, assistant chief of fiscal affairs, 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.

George C. King, Chief, Traffic Law Enforcement, 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 to ensure the public that equitable and economical parking facilities for state employees, state officials, and the visiting public are provided and violations are properly handled. There will be no effect on small businesses.

The anticipated economic cost to persons who are required to comply with the sections as proposed will be: administrative citation fee—\$10 for fiscal years (fy) 1993-1997; administrative citation late fee—\$2.00 for fys 1993-1997; estimated impoundment fee-wrecker service—\$85 for fys 1993-1997; and annual reserved parking fee—\$120 for fys 1993-1997.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The new sections are proposed under the Texas Government Code, §411.006(4), which provides the director with authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

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 June 22, 1992.

TRD-9208689 James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 465-2000

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter C. Basic Program Requirements

The Texas Department of Human Services (DHS) proposes amendments to §§15.305, 15.442, 15.465, and 15.500, concerning eligibility requirements for the aged, blind, or disabled; personal property; income exclusions; and nonvendor living arrangements in its Medicaid Eligibility chapter.

The purpose of the amendment to §15.305 is to state that the client is not required to apply for federal, state, local, or private programs based on need, or private sources of income, as a condition of Medicaid eligibility. The purpose of the amendment to §15.442 is to clarify that life insurance dividends are not added to the face value of a life insurance policy when determining if the policy is an excluded resource. The purpose of the amendment to §15.465 is to clarify that the \$20 general income exclusion does not apply to 1929(b) cases. The purpose of the amendment to §15.500 is to state that the department determines Medicaid eligibility for clients who apply for or have their eligibility redetermined under home and community-based waiver programs.

Burton F. Raiford, commissioner, 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. Raiford 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 elimination of the client's requirement to make an unnecessary application for other program benefits, uniform application of policy, and correct references to department programs that allow for program expansion without frequent amendments to rules. 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.

Questions about the content of the proposal may be directed to Judy Coker at (512) 450-3227 in DHS's Long Term Care Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-147, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

◆ ◆ ◆
• 40 TAC §15.305

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with

the authority to administer public and medical assistance programs.

§15.305. Eligibility Requirements for the Aged, Blind, or Disabled.

(a)-(e) (No change.)

(f) To be eligible, a client must file:

(1) for all other benefits to which he may be entitled [, including, but not limited, to Social Security, workers' compensation, private pensions, and veteran's benefits. Within 30 days of receipt of written notification of potential eligibility for other benefits, the client must file a claim for those benefits].

(A) These benefits include, but are not limited to, Social Security, workers' compensation, private pensions, and veteran's benefits.

(B) These benefits do not include:

(i) federal, state, local, or private programs based on need, such as aid to families with dependent children; or

(ii) private sources of income, such as child support, alimony, or testamentary trusts.

(2) a claim for the benefits within 30 days of receiving written notification of potential eligibility for the benefits.

(g)-(k) (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 June 24, 1992.

TRD-9208703

Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: September 1, 1992

For further information, please call: (512) 450-3765

◆ ◆ ◆
Subchapter D. Resources

• 40 TAC §15.442

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.442. Personal Property.

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

(c) Life insurance. If the total face value of life insurance policies owned by a client (or spouse, if any) is \$1,500 or less per person, the department does not con-

sider as a resource the value of the life insurance [a resource]. If the total face value of all life insurance policies owned by a client, eligible spouse, or ineligible spouse whose resources are deemed to the client are more than \$1,500 per insured person, the cash surrender values of the policies are resources. The department does not add dividends to the face value of a life insurance policy to determine if the policy is excluded as a resource. A life insurance policy is a resource available only to the owner of the policy, regardless of whom it insures.

(d)-(h) (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 June 24, 1992.

TRD-9208704

Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: September 1, 1992

For further information, please call: (512) 450-3765

◆ ◆ ◆
Subchapter E. Income

• 40 TAC §15.465

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.465. Income Exclusions.

(a) General exclusion. For each month, the first \$20 of unearned or earned income is excluded. This exclusion is applied first to unearned income, then to earned income if the unearned income is less than \$20. If no unearned income exists, the entire \$20-exclusion is applied to the earned income. Exceptions are as follows.

(1)-(2) (No change.)

(3) The \$20-general exclusion does not apply to Type Program 14 and 1929(b) cases.

(b)-(h) (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 June 24, 1992.

TRD-9208705

Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: September 1, 1992

For further information, please call: (512) 450-3765

Chapter 15. Medicaid Eligibility

Subchapter F. Budgets and Payment Plans

• 40 TAC §15. 500

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.500. Nonvendor Living Arrangements.

(a) The department determines eligibility for individuals and couples (in nonvendor living arrangements) who:

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

(5) apply for or have eligibility redetermined under home and community-based waiver programs.

(b)-(d) (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 June 24, 1992.

TRD-9208706

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1992

For further information, please call: (512) 450-3765

Part IX. Texas Department on Aging

Chapter 253. State Aging Plan

• 40 TAC §253.3

The Texas Department on Aging proposes new §253.3, concerning funding allocation formula for older americans act Title III programs and area agencies on aging. This policy proposes the formula for distribution of federal funding and state general revenue to local area agencies on aging.

Charles Hubbard, director of finance and administration has determined that there will not be fiscal implications as a result of enforcing or administering the section.

Mr. Hubbard, also has determined that for each of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be to distribute program funds more effectively by using the most current

(1990) Census Bureau information and by targeting the elderly most in need. The anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles Hubbard, Director of Finance and Administration, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operations of this department.

§253.3. Funding Allocation Formula for Title III Programs and Area Agencies on Aging.

(a) Goal of the Formula. The goal of this formula is to distribute Title III Funding in an equitable manner based upon the most recent census information; and in so doing clearly follow the intent of the Older Americans Act of 1965, as amended, and related federal regulations which emphasize addressing the needs of those "in greatest economic or social need" with particular attention to low-income minority individuals (45 Code of Federal Regulations 1321.37(a)).

(b) Area agency on aging administration funds. An area agency on aging administration pool from which each area agency would be allocated no less than \$85,000. The administration pool is composed of 10% of the federal allocation of funds to area agencies on aging.

(1) Allocation of all the administration funds from the administration pool is computed according to the following formula of weighted factors:

(A) total population aged 60 and over, weighted at 25%;

(B) total population aged 60 and over who are minorities, weighted at 25%; and

(C) total population aged 60 and over who are living on incomes below the poverty level, weighted at 50%.

(2) For each factor, the number of persons in each area agency on aging region, based on the official 1990 Census data, is established as a percent of that factor for the State of Texas and weighted as shown to determine the overall proportion of the funding that will be allocated to each area agency on aging. For the administration funds, this proportion is applied to the administration funds pool, then adjustments are made proportionately so that no area agency on aging receives an allotment of less than \$85,000 for administration.

(c) Supportive and nutrition services funds. Each area agency on aging will be awarded Title III funding for services in accordance with the Older Americans Act as amended, paragraph 305(a)2(C), in the following manner.

(1) A base amount of \$85,000 for Title III Supportive Services and a base amount of \$85,000 of Title III Nutrition Services funding.

(2) Allocation of the remaining service dollars is computed according to the following formula of weighted factors:

(A) total population aged 60 and over, weighted at 25%;

(B) total population aged 60 and over who are minorities, weighted at 25%; and,

(C) total population aged 60 and over who are living on incomes below the poverty level, weighted at 50%.

(3) For each factor, the number of persons in each area agency region, based on the 1990 official Census data, is established as a percent of that factor for the state of Texas and weighted as shown to determine the overall proportion of the funding that will be allocated to each area agency on aging.

(d) Formula assumptions. The assumptions used in selecting the formula elements and their respective weights are as follows.

(1) Some portion of the funds distribution should be based upon the population of all individuals age 60 and over within a PSA, since the Older Americans Act (OAA) is designed for all persons age 60 and over regardless of other characteristics. However, due to the emphasis of the OAA and regulations on subgroups within this population, it should not be the largest factor, hence 25%.

(2) The OAA defines greatest social need as "the need caused by non-economic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographic isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently", (OAA 302(21)). The use of the age 60 and over minority population statistic addresses this emphasis. However, this factor, by itself, is not the most important, hence 25%.

(3) The OAA defines greatest economic need as "the need resulting from an income level at or below the poverty levels established by the Office of Manage-

ment and Budget", (OAA 302(20)). Significant portions of the low income elderly population are minorities and/or live in isolated areas. In addition, there is a strong correlation between income and an individual's health, and access to health care. Therefore, the low income component addresses not only those individuals with "greatest economic need", but also factors defining "greatest social need" as quoted above. (Studies supporting this conclusion include: "Income and Poverty Trends for the Elderly" Cynthia M. Tauber, M.A., Bureau of the Census, United States Depart-

ment of Commerce, March 26, 1992; and "Health Care Financing Among the Elderly: Who Really Pays the Bills?", T. M. Smeeding and L. Straub, published in the Journal of Health Politics, Policy and Law 12 (1, Spring) 1987). For these reasons, this is determined to be the most significant element and therefore received twice the weight of each of the other two elements, 50%. In addition, the elements described under paragraph (2) and this paragraph address the stipulation in the OAA for "particular attention to low income minority individuals".

(4) The formula should provide for a minimum amount to each PSA for the administration of the programs and a minimum amount for the provision of services within each PSA. The OAA, §304, provides for minimum allotments to states. It makes sense to do the same for each PSA.

(5) The following is a demonstration of the allocation of funds by PSA using this proposed formula and the FY 1992 Title III Funding figures.

<u>Area Agency</u>	\$85,000 Base/Floor Area		
	<u>Admin.</u>	<u>Services</u>	<u>Total</u>
ALAMO	85,770	932,375	1,018,145
ARK-TEX	85,000	872,884	957,884
BEXAR	278,756	2,647,751	2,926,507
BRAZOS	85,000	640,748	725,748
CAPITAL	138,956	1,405,117	1,544,073
CENTRAL	85,000	643,846	728,846
COASTAL	148,137	1,486,730	1,634,867
CONCHO	85,000	494,672	579,672
DALLAS	256,375	2,448,811	2,705,186
DEEP EAST	100,260	1,061,177	1,161,437
EAST TEXAS	184,695	1,811,680	1,996,375
GOLDEN	85,000	661,640	746,640
HARRIS CO.	423,735	3,936,408	4,360,143
HEART OF TEXAS	85,000	901,939	986,939
HOUS/GALVESTON	189,766	1,856,749	2,046,515
LOWER RIO	225,047	2,170,346	2,395,393
MIDDLE RIO	85,000	673,055	758,055
NORTH CENTRAL	142,856	1,439,787	1,582,643
NORTEX	85,000	627,554	712,554
PANHANDLE	85,000	833,151	918,151
PERMIAN	85,000	827,505	912,505
RIO GRANDE	159,483	1,587,580	1,747,063
SOUTH EAST	89,339	964,100	1,053,439
SOUTH PLAINS	85,000	830,819	915,819
SOUTH TEXAS	85,000	800,137	885,137
TARRANT CO.	143,222	1,443,039	1,586,261
TEXOMA	85,000	517,836	602,836
WEST CENTRAL	85,000	924,128	1,009,128
Totals	<u>3,756,397</u>	<u>35,441,564</u>	<u>39,197,961</u>

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 June 24, 1992.

TRD-9208716 Mary Sapp
 Executive Director
 Texas Department on Aging

Earliest possible date of adoption: July 31, 1992

For further information, please call: (512) 444-2727



Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter F. Miscellaneous Industrial Sources

Perchloroethylene Dry Cleaning Systems

- 31 TAC §§115.521-115.527, 115.529

The Texas Air Control Board has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the January 28, 1992 issue of the *Texas Register* (17 TexReg 665). The effective date of this withdrawal is June 22, 1992.

Issued in Austin, Texas, on June 22, 1992

TRD-9208620

Lane Hartsock
Deputy Director of Air
Quality Planning
Texas Air Control Board

Effective date: June 22, 1992

For further information, please call: (512) 908-1451



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 253. State Aging Plan

- 40 TAC §253.3

The Texas Department on Aging has withdrawn from consideration for permanent adoption a proposed new §253.3 which appeared in the June 26, 1992, issue of the *Texas Register*. The effective date of this withdrawal is June 24, 1992.

Issued in Austin, Texas, on June 24, 1992.

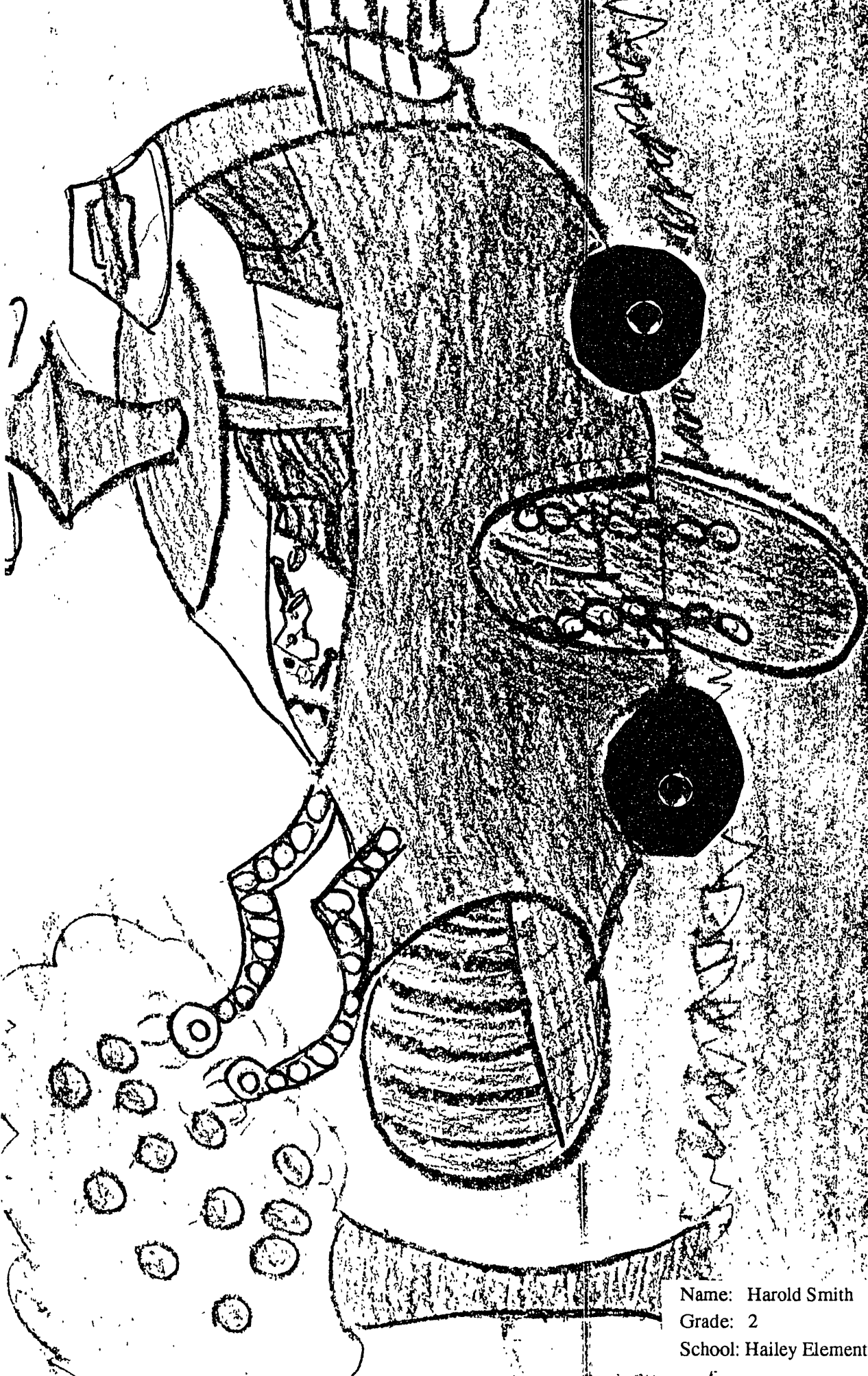
TRD-9208715

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 24, 1992

For further information, please call: (512) 444-2727





Name: Harold Smith

Grade: 2

School: Hailey Elementary, Conroe ISD

Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 1. ADMINISTRATION

Part V. General Services Commission

Chapter 125. Travel and Transportation Division

Travel Management Services

- 1 TAC §§125.1, 125.3, 125.5, 125.7, 125.9, 125.11, 125.13, 125.17, 125.19, 125.21, 125.23

The General Services Commission adopts amendments to §§125.1, 125.3, 125.5, 125.7, 125.9, 125.11, 125.13, 125.17, 125.19, 125.21, and new §125.23, concerning the administration of the State Travel Management Program. Sections 125.9 and 125.19 are adopted with changes to the proposed text as published in the May 5, 1992, issue of the *Texas Register* (17 TexReg 3210). Sections 125.1, 125.3, 125.5, 125.7, 125.11, 125.13, 125.17, 125.21 and 125.23 are adopted without changes and will not be republished.

The amendments and new section are adopted to implement the provisions of Texas Civil Statutes, Article 601b, and specifically the changes made to this statute by House Bill 39, 72nd Texas Legislature, Second Called Session (1991), concerning state agencies' use of the centralized travel program.

The sections specify how the commission will secure services from multiple travel agency vendors in accordance with House Bill 39. The sections also specify under what circumstances a state agency in the executive branch of state government will be required to use the travel contracts established by the commission, and establish a system of travel coordinators at each state agency to assist in coordinating and monitoring travel activities of state employees.

Comments were received from five persons. One commenter expressed similar concerns that other universities had raised during the December 1991, comment period: the amendments should apply only to state appropriated funds; fear that the amendments would increase their travel program administrative costs; the control of travel should be with local management not administrative oversight at the institutions and General Services Commission. This commenter also questioned the need to limit state employees to use of the contract airline only unless the lower fare is offered to the general public. The commenter felt this limits competition. In

addition, this commenter felt the economic argument that state volume will result in reduced fares for the state overall has so far not been quantitatively demonstrated. One commenter suggested that giving an employee the option to accept or reject a charge card is contradictory when the agencies are required to participate in the charge card contract. The commenter also felt that this appears to undermine the goal to capture all travel services data. Another commenter suggested that "liability insurance" be included in the criteria in comparing costs of alternative rental car suppliers. One commenter disagreed with the calculation of the effect on small businesses. Finally, one commenter requested to be apprised of any revisions.

The names of those making comments for and against the sections were as follows. For: Texas A&M University System. Against: Texas Tech University- Texas Tech University Health Sciences Center; The Texas Travel Industry Coalition; Treasury Department; Avis Rent A Car System, Inc.

The commission disagrees that the sections be applied only to state appropriations. No exception for nonappropriated funds is stated or implied in statute, and the commission believes the legislative intent is to include travel regardless of funding so that the state obtains the most favorable rates and fares through increased volumes. The commission disagrees that contract fares have so far not been quantitatively demonstrated. Since the program's inception voluntary participation by agencies has realized contract airline savings of \$6.5 million. The commission disagrees that administrative costs would be increased. These costs should increase only if there is no economic or cost analysis of travel alternatives presently practiced. If such is the case, the commission believes implementation of cost analysis has greater positive economic benefit than negative impact. The commission agrees that control of travel should be with local management. Section 125.19(f) as proposed provides for agencies to establish their own procedures to address unique needs. The commission disagrees that limiting state employees to use only the contract airline unless the lower fare is offered to the general public should be eliminated. Support of the travel contracts is important to ensure effecting volume savings for state government. The commission agrees that the charge card language could be interpreted as contradictory. It is the intent of the commission to have, at a minimum, airline fares charged to the contract either through individual or centrally billed accounts. It is also the intent of the commission to allow for use of a personal charge card when it offers significant insurance benefits not available from the state's contract. Section

125.9(b)(3) is revised to clarify these positions. The commission agrees liability insurance under the contract program is a significant factor. Section 125.19(f)(6) is revised accordingly. The commission does not agree with the commenter's calculation on the small business effect. The commenter assumed that \$8 million of new business will be subject to these sections. The estimated total amount of air travel for executive branch state agencies excluding higher education is \$10 million. Currently, the contracted travel agency services approximately \$8 million. Thus, the additional volume to be processed is \$2 million. This is the gross sales amount on which the commission's \$2,000 gross revenues is estimated.

The amendments and new section are adopted under Texas Civil Statutes, Article 601b, §14.01, which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 14.

§125.9. Charge Card Services.

(a) Charge accounts and cards are provided for official business use. Accounts may be established for individual state employees, the participating agency, or both.

(b) Charge card services are provided under contract established between the commission and the selected charge card company.

(1) Contracted services are available to all participating state agencies in accordance with §125.19 of this title (relating to Participation by State Agencies).

(2) State agencies may begin participation in the charge card services portion of the program at any time during the term of a contract with the selected charge card company with the concurrence of the commission.

(3) An employee is not required to accept a state charge card. However, at a minimum air fares must be charged on the state's charge contract unless use of a personal charge card offers insurance benefits not available from the state's contract.

(c) Participating state agencies may choose to have charges billed as follows.

(1) Individual billing. All official business charges are billed directly to the individual employee who is reimbursed through standard travel voucher procedures.

(2) Central billing. All charges allowed by the General Appropriations Act, Article V, are billed to the agency. The agency pays the charge card company through established voucher payment procedures processed through the Comptroller of Public Accounts.

(d) A state agency shall approve issuing a charge card to an employee if the employee is expected to take at least three trips or spend at least \$500 per fiscal year for state business. The agency shall cancel a charge card upon the employee's termination of employment, and it may cancel a card if the employee does not comply with subsection (e) of this section or with any other provision of charge card use established by the agency.

(e) By accepting a charge card, the employee accepts the responsibility for paying all charges timely and agrees that the charge card is intended for state business use. Payment of charges on individual cards is the sole responsibility of the individual. The state shall not be responsible for the charges, regardless of the type of charge, nor shall the state be liable for non-payment by the employee.

§125.19. Participation by State Agencies.

(a) Except as otherwise provided in this section, state agencies in the executive branch of state government shall participate in the program and use the travel agency, charge card, rental car, airline, hotel, and other travel service contracts that are effective for at least a 12-month term. Institutions of higher education are not required to use the travel agency contracts, but are required to use all other contracts.

(b) A state agency that is not required to use the travel services contracts may do so at its option. However, a state agency that uses travel agent services must use the charge card services also.

(c) To begin participating in the travel agency and charge card contracts, a state agency must send the commission a travel service requisition. An individual travel service requisition is required to request meeting planning services for each separate group or meeting. Travel service requisitions are not required to use discount rates.

(d) (No change.)

(e) A state agency not required to use the commission's contracts may terminate its participation by giving the commission at least 60 days' advance written notice.

(f) The contracts for travel services must be used as required by §§125.1-125.21 of this title (relating to Travel Management Services) unless the conditions listed fol-

lowing exist. State agencies shall establish procedures to comply with this subsection and submit them to the commission for approval within 90 days after the effective date of this section. Travel agent contracts are not affected by the conditions listed in paragraphs (4)-(10) of this subsection:

(1) the traveler is already in travel status, which renders the use of a contract travel agent impractical or unnecessary;

(2) travel is undertaken as part of a group program for which reservations must be made through a specified source to obtain a specified rate or service;

(3) a contract travel vendor cannot provide services in the time period required to accomplish the purpose of the travel;

(4) a contract hotel is not available in a location that will reasonably allow the business requirements of a traveler to be fulfilled;

(5) a contract hotel or rental car company is unable to provide the required services because it is sold out or does not offer services in the city being visited;

(6) alternative rental car or hotel arrangements can be made at a lower total cost than the contract hotels or rental car companies. For rental cars, total costs include the base rate, loss/damage waiver protection, mileage charge, applicable taxes, surcharges, and cost for comparable liability insurance protection. For hotels, the cost of the guest room net of taxes shall be used to compare total costs;

(7) a contract airline offers a fare lower by any amount than the contract fare;

(8) a non-contract airline offers a lower published fare to the general public which results in a lower total trip cost, including travel time, to the agency. However, lower or identical airfares offered to state travelers only are not included within this exception;

(9) travel is undertaken by persons with disabilities, by persons transporting prisoners or other persons in the custody of the state, or in a medical emergency;

(10) use of contract travel vendors may present a security or safety risk to the traveler.

(g) A state agency may submit a written request for exemption from the required use of one or more travel contracts. An exemption request must be submitted within 90 days after the effective date of this section or within 90 days after the effective date of a new travel contract. The commission will approve an exemption if it determines that such an exemption would

provide an economic or service benefit to the state, taking into account any effect on the commission's contracts and ability to obtain favorable contracts in the future. An exemption expires when the related contract is terminated or replaced.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208677

Judith M. Porras
General Counsel
General Services
Commission

Effective date: July 14, 1992

Proposal publication date: May 5, 1992

For further information, please call: (512) 463-3446

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 3. Life, Accident, and Health Insurance

Subchapter FF. Credit Life and Accident and Health Insurance

Applications and Policies

• 28 TAC §3.5111

(Editor's note: Due to a Texas Register error, the following adoption, filed by the Texas Department of Insurance on June 9, 1992, was not printed in the June 16, 1992, issue of the Texas Register. The section was adopted with changes, therefore should have been published. The effective date of the section is June 30, 1992.)

§3.5111. Open-end Transaction Forms.

(a) The group policy and certificate of insurance shall set forth that the debtor will be furnished a statement each billing cycle (but not less frequently than quarterly) which contains the following:

(1) the amount of the debtor's insurance charge, shown separately for credit life and credit accident and health insurance;

(2) the amount of the insured's indebtedness to which the insurance charge rate was applied;

(3) the date the rate was applied;

(4) the period covered by such monthly charge; and

(5) notification of any rate change at least one billing cycle prior to the effective date of change. If the change is mandated by other legal requirements to take effect prior to the date of the next

billing cycle, notice of any rate change must be given at least 30 days prior to the effective date of the rate change; and

(6) notification of any pre-established insurance termination date due to underwriting or eligibility guidelines.

(b) The group policy and certificate of insurance shall state that the debtor shall contain language advising the debtor to attach the notice of rate change to their certificate of insurance.

(c) All forms, including the debtor's application and enrollment form, shall contain an identifying form number as required in §3.5201 of this title (relating to Submission of Form and Rate Filings).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 9, 1992.

TRD-9207910

Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

Effective date: June 30, 1992

Proposal publication date: March 20, 1992

For further information, please call: (512) 463-6327

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter A. Definitions

The Texas Air Control Board (TACB) adopts amendments to §§115.119, 115.121, 115.127, 115.129, 115.131, 115.137, 115.139, 115.211, 115.212, 115.216, 115.217, 115.219, 115.229, and 115.239, with changes to the proposed text as published in the January 28, 1992, issue of the *Texas Register* (17 TexReg 618).

The amendments to §§115.10, 115.112-115.117, 115.122, 115.123, 115.125, 115.126, 115.132, 115.133, 115.135, 115.136, 115.213, 115.214, 115.215, 115.221-115.227, 115.234-115.236, 115.311-115.313, 115.315, 115.316, 115.319, 115.322-115.327, 115.329, 115.332-115.337, 115.339, 115.342, 115.347, 115.349, 115.412, 115.413, 115.415-115.417, 115.419, 115.421-115.427, 115.429, 115.432, 115.433, 115.435-115.437, 115.439, 115.512, 115.513, 115.515-115.517, 115.519, 115.531-115.537, 115.539, 115.612, 115.613, 115.615, 115.617, 115.619, and new

§115.317 and §115.614 are adopted without changes and will not be republished. Additionally, the TACB withdraws the proposed revisions to §§115.521-115.527, and 115.529.

The amendments satisfy a requirement by the U.S. Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to all previously designated nonattainment areas (Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties). This program is referred to as "leveling the playing field." The amendments also satisfy an EPA requirement to extend controls that currently exist in certain ozone nonattainment areas to newly-designated adjacent nonattainment counties (Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties). This program is referred to as the "perimeter county catch-ups." The revisions also remove potentially confusing cross-references and otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. In concurrent rulemaking, the TACB adopts the repeal of old §§115.242, 115.243, 115.245, 115.246, and 115.247.

Public hearings were held on February 24, 1992 in Beaumont, on February 25, 1992 in Houston and El Paso, and on February 26, 1992 in Arlington. Testimony was received from 14 commenters during the comment period which closed on February 28, 1992. Most of the comments addressed the specific changes proposed and cover a variety of issues. EPA; the Sierra Club, Lone Star Chapter (Sierra Club); Amoco Oil Company (Amoco); the Texas Chemical Council (TCC); and Exxon Chemical Americas (Exxon) generally supported the proposed revisions. Testimony submitted by TCC was supported by DuPont Gulf Coast Regional Manufacturing Services (DuPont), Ethyl Corporation (Ethyl), Mobil Oil Corporation (Mobil), Amoco, and Exxon. Texaco Chemical Company (Texaco); Marathon Oil Company (Marathon); the Texas Department of Transportation (TxDOT); the Motor Vehicle Manufacturers Association (MVMA); Spectrum Packaging, Incorporated (Spectrum); and an individual requested clarification or suggested changes.

The comments are categorized as being for or against the proposal. The 14 commenters suggested changes to the proposal and are categorized as being against the proposal. Those commenters who agreed with the proposal in its entirety are categorized as being for the proposal, but there are no such commenters.

EPA commented that the effective date of the revisions should not precede the compliance deadline of July 31, 1992 for some previous requirements. The TACB staff agrees and is specifying an effective date of August 1, 1992 for publication in the *Texas Register*, except that the TACB is specifying an effective date of 20 days after publication for the repeal of §§115.242-115.249.

EPA commented that the references to Hardin and Matagorda Counties in §§115.112(c), 115.121(c), 115.123(c),

115.127(c), 115.132(c), 115.133(c), 115.137(c), 115.212(c), 115.213(c), and 115.217(c) could be strengthened by clarifying that in the future these two counties will be affected by the more stringent requirements of subsection (a) of each of these rules. The staff agrees and has added clarifying language to §§115.119, 115.129, 115.139, and 115.219.

An individual commented that a hearing should have been held in Houston during the evening hours. The TACB's policy is to make the public hearings as accessible as possible and consequently three of the four hearings were held in the evening hours. However, the greatest attendance occurred at the Houston hearing, which was held at 11 a.m.

An individual suggested that volatile organic compound (VOC) rules for ozone nonattainment areas be implemented statewide and expressed general opposition to exemptions. Chapter 115 is specifically intended to address VOC emissions in ozone nonattainment areas rather than statewide emissions. The staff has evaluated the cost-effectiveness of substantive controls for small sources and believes that exemption of insignificant emission sources is appropriate.

An individual commented on recordkeeping requirements throughout Chapter 115. The commenter wanted the TACB to clarify whether the required records are to be made available to the public. Companies are not required to supply records directly to the public, but as stated in the opening paragraphs of the recordkeeping rules, the records must be made available to the TACB, EPA, and any local air pollution control agency having jurisdiction. Some of the information in records may be proprietary information, and the TACB cannot require that this information be made available to any member of the public upon request. However, the public does have access to nonproprietary information in TACB permit and compliance files.

An individual commented on testing requirements throughout Chapter 115. The commenter opposed language which authorizes "minor modifications to these test methods approved by the executive director" and commented that "minor modification" is not defined. EPA has identified and published specific acceptable test methods for use in determining compliance. These test methods are currently recognized as industry standards, but EPA has indicated that minor modifications to methods which do not involve any significant change in the results may be independently approved by the executive director. However, new test methods or major changes must still be submitted to EPA for approval.

An individual commented that "continuous compliance" and "substantially equivalent" are not defined in §115.113 or in similar paragraphs elsewhere in Chapter 115. These terms have the meanings commonly ascribed to them in the field of air pollution control, and the staff does not believe that further definition is necessary.

An individual recommended that the minimum control efficiency in §115.122(b) and elsewhere in Chapter 115 be set at 95-99% in-

stead of the proposed 90%. The minimum control efficiency was established by EPA's Control Techniques Guideline (CTG) to allow use of various control options, including catalytic incineration. While a catalytic incinerator may demonstrate very high initial destruction efficiency, the efficiency declines to approximately 90% before catalyst regeneration is necessary. The high cost and minimal additional benefit does not warrant the retrofit of existing sources with the best available control technology or lowest achievable emission rate technology required of new sources. Staff supports the 90% efficiency number required by EPA as reasonably available control technology (RACT), which is required of all affected sources in ozone nonattainment counties.

An individual contended that the alternate control requirements specified in §115.123(a) and elsewhere in Chapter 115 should require executive director approval in all cases. There are no substantive changes proposed in these subsections. Therefore, comments on this requirement are not within the scope of the proposed revisions. However, in conjunction with future EPA guidance, these comments will be considered for future rulemaking.

An individual commented that "significant odors" are not defined in §115.214(b)(1) or in similar paragraphs elsewhere in Chapter 115. This term has the meaning commonly ascribed to it in the field of air pollution control, and the staff does not believe that further definition is necessary.

Exxon commented that some of the Chapter 115 fugitive emissions monitoring requirements do not include an exemption for pump seals which are equipped with alarm systems, while the other monitoring programs may contain such an exemption. Exxon suggested that all fugitive emissions monitoring rules include an exemption for pump seals which are equipped with alarm systems. Since the fugitive emissions monitoring requirements were established in the CTGs relating to fugitive emissions control, the staff is not currently considering additional exemptions. Exemptions beyond those established in the CTGs could jeopardize EPA approval. Based on future EPA guidance, these comments will be considered for future rulemaking.

DuPont commented that 84% of VOC emissions in Jefferson County were the result of point sources, with 11% from mobile sources and 5.0% from area sources. Sixty-two percent of the VOC emissions in Dallas County were the result of mobile sources, with 29% from area sources and 9.0% from point sources. DuPont suggested that imposing the same control requirements in Jefferson County as in Dallas County was inappropriate. The staff believes that the proposed control requirements are appropriate. The staff agrees that additional emphasis on mobile sources in the Dallas/Fort Worth area will be necessary to achieve attainment with the ozone standard and, likewise, agrees that additional emphasis on point sources in Jefferson County will be needed in the future.

DuPont commented that the cost of compliance in Jefferson County may be higher than

that in other counties and estimated that some costs could be as high as \$10,000 per ton of VOC. The staff cannot discount the possibility that costs in Jefferson County may exceed that of other areas and notes that the requirements for Jefferson County have not changed significantly for a number of years, during which time the requirements for the other ozone nonattainment areas became more stringent. In essence, the Beaumont/Port Arthur area has more "catching up" to do than the other nonattainment areas.

DuPont, Mobil, and TCC commented that a later compliance date was needed in order to allow for design, permitting, and construction of abatement facilities. DuPont noted that when new vent gas control requirements in §§115.121-115.129 were imposed on Dallas County, two years were allowed for compliance with the changes. Ethyl suggested that 18 months to two years be allowed for compliance with the changes to §§115.121-115.129; Amoco and Marathon suggested two years. TCC requested an 18-month compliance schedule for changes to requirements for §§115.112-115.119 and a two-year compliance schedule for changes to requirements for §§115.121-115.129 and §§115.131-115.139. TCC and Exxon requested that the TACB provide a mechanism for extended compliance schedules for situations where a company is making an honest attempt to implement the required controls, but is unable to meet the compliance schedule due to equipment delivery delays, permitting delays, and even weather delays. DuPont expressed concern about possible damage to a company's reputation if the company is unable to install the required controls by the compliance date.

The staff can appreciate the time needed for the installation of control equipment in order to comply with the new requirements and, after discussion with EPA, revised the compliance schedule for changes to §§115.211-115.219 from July 31, 1993 to January 31, 1994 and revised the compliance schedule for changes to §§115.121-115.129 and §§115.131-115.139 from July 31, 1993 to July 31, 1994. For consistency with the revised compliance date of January 31, 1994 for changes to §§115.211-115.219, the staff has also revised the compliance schedule for changes to §§115.221-115.229 and §§115.234-115.239 from July 31, 1993 to January 31, 1994.

DuPont expressed concern that emission reductions resulting from the proposed changes could make it more difficult for Jefferson County to meet the emission reductions required by the 1990 Federal Clean Air Act (FCAA) Amendments and further suggested that the proposed revisions are premature. The staff notes that the baseline for the emission reductions is the 1990 emissions inventory, with a 15% VOC emission reduction required over the first six-year period and a 3.0% per year reduction (averaged over each consecutive three-year period) required beginning in 1996 until the attainment date. EPA has indicated that any creditable VOC emission reductions achieved beyond the required 15% during the first six years after enactment of the 1990 FCAA Amendments can be counted toward meeting the 3.0% rate of progress requirement. Given the magnitude of

the ozone problem in the Beaumont/Port Arthur area, the staff believes that expeditious emission reductions are needed in order to achieve attainment and reduce the possibility of this area being reclassified from "serious" to "severe" nonattainment after 1999.

An individual commented that the definition for delivery vessel/tank-truck tank in §115.10 should include wording to specify "a storage tank having a capacity greater than 1,000 gallons." This wording is identical to that included in the proposal; therefore, no change is needed.

An individual objected to the applicability and exemption levels specified in Tables I(a) and II(a) of §115.112 and additionally suggested that the requirement for a submerged fill pipe or vapor recovery system be changed to mandate the use of both controls. The control requirements specified in these tables are consistent with EPA guidelines which define RACT for VOC storage tanks. The staff does not believe that requiring multiple controls on storage tanks is appropriate due to the high cost and minimal additional benefit.

EPA noted that §115.116(a)(2) includes annual recordkeeping requirements for the inspection of seals on VOC storage tanks, which is inconsistent with the semiannual inspection requirement of §115.114(a)(3). Comments on §115.116(a)(2) are not within the scope of the proposed revisions since there are no changes proposed to this rule. However, the staff agrees with the commenter and will consider the issue in future rulemaking.

TCC and Exxon expressed concern that liquid phase polypropylene manufacturing processes were being added to §115.121(a)(3) for the first time and stated that a compliance schedule for affected facilities in Harris County should be provided. Affected liquid phase polypropylene manufacturing facilities in Harris County were required to be in compliance with the emission control requirements no later than January 27, 1990. The substitution of "polypropylene" for "polyethylene" in the rule language merely corrects a typographical error in the version of §115.121(a)(3) which became effective on February 19, 1990 (i.e., after the January 27, 1990 compliance deadline). All affected liquid phase polypropylene manufacturing facilities in Harris County must continue to comply with the control requirements.

DuPont commented that additional changes were needed to §115.123 to allow flexibility to meet RACT standards through source reduction and also suggested that the TACB consider allowing large industrial facilities to "bubble" emissions to meet the control requirements. Likewise, Amoco suggested a "compliance waiver" system which essentially would allow for "bubbles." Sections 115.121-115.129 already allow companies the flexibility to use process control as a source reduction technique rather than add-on controls to meet emission limitations. Sections 115.123 and 115.910 provide for site-specific state implementation plan (SIP) revisions which must be approved by the TACB and EPA, and §101.23 authorizes "bubbles." The federal requirements for "bubbles" are set forth in EPA's Emissions Trading Policy

Statement as published in the *Federal Register* on December 4, 1986.

Amoco expressed concern that emissions from process safety relief valves which vent during upset conditions and are manifolded to a knockout drum and then released to the atmosphere could be considered to be process vents affected by the vent gas stream control requirements of §§115.121-115.129. Marathon also asked for confirmation of their understanding that pressure safety valves and other emergency pressure relief devices are not intended to be covered by the vent gas rules. The vent gas rule addresses only normal process emissions. The staff previously has interpreted that upset conditions (such as the venting of safety relief valves) and maintenance are regulated by the TACB general rules, §101.6 and §101.7, and not by Chapter 115, unless otherwise specifically stated.

The staff noted that the 100-pound per continuous 24-hour period exemption in §115.127(a)(4) for air oxidation synthetic organic chemical, liquid phase polypropylene, liquid phase slurry high-density polyethylene, and continuous polystyrene manufacturing processes was inadvertently omitted during previous rulemaking. The TACB has reinstated this exemption.

Exxon commented on §§115.211-115.219 regarding emission control requirements for the loading and unloading of VOC. Specifically, Exxon questioned why controls are required on 20,000 gallons of VOC per day capacity or larger loading facilities which handle any VOC with a vapor pressure greater than 1.5 psia. This requirement was mandated by EPA in order to force the installation of controls in situations like this or to force the dedication of the loading rack to lower volatility (i.e., less than 1.5 psia) VOCs.

Dupont expressed concern that the control requirements of §115.212(a) for gasoline bulk plants could include motor vehicle fuel dispensing facilities. "Motor vehicle fuel dispensing facility" is defined separately in §115.10 and is not intended to be included in the definition of gasoline bulk plant.

EPA commented on §§115.221-115.229, noting that there is presently in place a federal implementation plan (FIP), 40 Code of Federal Regulations 52. 2285-52.2297, which includes requirements for Stage I vapor recovery in the Dallas/Fort Worth and Houston/Galveston perimeter counties and also in Bexar County. EPA commented that extension of §§115.221-115.229 Stage I requirements to the Dallas/Fort Worth and Houston/Galveston perimeter counties would allow for the rescission of the Stage I FIP when the SIP revision is approved for these counties. The staff notes that extension of Stage I vapor recovery to these perimeter counties is federally mandated, regardless of the existence of a FIP for these areas. For consistency with the revised compliance date of January 31, 1994 for §§115.211-115.219, the staff revised the compliance schedule for changes to §§115.221-115.229 from July 31, 1993 to January 31, 1994.

No comments were received on §§115.234-115.239. For consistency with the revised

compliance date of January 31, 1994 for changes to §§115.211-115.219, the staff has revised the compliance schedule for changes to §§115.234-115.239 from July 31, 1993 to January 31, 1994.

No comments were received on §§115.311-115.319.

An individual opposed the exclusion of safety pressure relief valves from the requirements of §115.322. Changes of this nature are beyond the scope of the proposed revisions since inclusion of the commenter's proposed change would impose rules of a more restrictive manner than those proposed for public comment. EPA's CTG relating to fugitive emissions monitoring programs for petroleum refineries includes an exemption for safety pressure relief valves because these components do not represent a significant source of VOC emissions.

The Sierra Club opposed the modified monitoring schedule available under §115.324(b)(8)(A). Changes in this area cannot be made at this time since deletion of the modified monitoring schedule would impose rules of a more restrictive manner than those proposed for public comment. However, the staff believes that a modified monitoring schedule should be available. Each request for a modified monitoring schedule is evaluated on a case-by-case basis, with the burden of proof on the facility to document satisfaction of the requirements.

The Sierra Club commented on §115.326(b)(2) and recommended that the concentration at which a leak is defined be lowered from 10,000 ppmv to 1,000 ppmv, except where the 28MID fugitive emissions monitoring program is implemented. This recommendation would be more restrictive than the existing rule and is beyond the scope of this rulemaking. The 10,000 ppmv concentration was established in the CTGs relating to fugitive emissions control. However, the staff will evaluate the cost-effectiveness of including a lower concentration in the definition of leak and, if appropriate, may consider this comment in future rulemaking.

Texaco commented that the requirement of §115.334(1)(E) to measure emissions immediately after repair of a component that had been leaking should be changed to "within a reasonable amount of time." Texaco stated that they believe that residual VOC following a repair may cause inaccurate monitoring readings immediately after repair. Comments on this rule are not within the scope of this rulemaking since there are no changes proposed to this rule. However, the intent of the requirement is to insure that repairs to leaking components are completed properly, as shown by monitoring immediately after repair. The staff does not believe that revised language is necessary.

Texaco suggested that clarification of §115.336(1) is needed to specify when the required monitoring program plan must be submitted for new or modified units. Section 115.339 specifies that facilities in the ozone nonattainment counties which are newly affected by the fugitive emissions monitoring requirements (i.e., the 15 ozone nonattainment counties other than Harris

County) must comply no later than July 31, 1993. New facilities in Harris County, and new facilities beginning operation after July 31, 1993 in ozone nonattainment counties other than Harris County, must comply with the fugitive emissions monitoring requirements upon start-up, and, therefore, must submit the monitoring plan prior to initial start-up. The suggested change appears to be unnecessary.

Texaco commented on §115.337(3), which was proposed to be renumbered as §115.337(2). Texaco suggested that definitions are needed to clarify "temporary nonoperating status" and "nonoperating process units," that the requirement to submit a compliance plan within one month prior to start-up is impractical and that the requirement to notify the TACB of start-ups and shutdowns be replaced with a requirement to keep records of such activities. No substantive changes were proposed in this paragraph; the paragraph number is simply being changed. However, the staff believes these comments may have merit and may consider the comments in future rulemaking in conjunction with future EPA guidance.

No comments were received on §§115.342-115.349, 115.412-115.419, 115.421-115.429, and 115.432-115.439.

The TxDOT commented on §115.512(3), requesting a clarification of whether cutback asphalt from an asphalt manufacturer located in a nonattainment county may be sold if the asphalt is intended for use in a non-affected county. The prohibition on the use, application, sale, or offering for sale of cutback asphalt in nonattainment counties was intended to restrict the use of cutback asphalt for paving of roads in these counties. Cutback asphalt may still be sold and used in counties other than the nonattainment counties, regardless of the location of the manufacturer. However, the TACB may consider future rulemaking which would place restrictions on the manufacturing of cutback asphalt in ozone nonattainment areas.

No comments were received on §§115.521-115.529. Subsequent to publication of the proposed changes, EPA advised the TACB of their intent to remove perchloroethylene from the definition of VOC and regulate perchloroethylene as a hazardous air pollutant under Title III of the 1990 FCAA Amendments. EPA recommended that the TACB not go forward with the proposal. Therefore, the TACB has withdrawn the proposed changes to §§115.521-115.529.

No comments were received on §§115.531-115.539.

MVMA, Spectrum, and an individual commented on §§115.612-115.619. MVMA expressed concern that a compliant windshield washer fluid would not provide freeze protection to 0 Degrees Fahrenheit and referred to Federal Motor Vehicle Safety Standard (FMVSS) 104. FMVSS 104 applies to new vehicles, while §115.617(4) specifically exempts windshield washer fluids used exclusively in new vehicles prior to initial sale. A compliant (8.0% by weight VOC) windshield washer fluid will provide freeze protection to 25 Degrees Fahrenheit, which the staff be-

lieves is adequate for the affected ozone nonattainment counties. An individual generally supported tighter regulation of consumer products. The staff will consider this request in future rulemaking in conjunction with the "15% SIP" and the November 15, 1994 attainment demonstration.

Spectrum commented generally that the rules need to be enforced. It is the TACB's policy to enforce its rules and take enforcement action when appropriate. The staff notes that the revisions to §§115.612-115.619 will strengthen the enforceability of these rules.

The TACB is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability in employment or in the provision of services, programs, or activities.

In compliance with the Americans With Disabilities Act, this document may be requested in alternate formats by contacting the Air Quality Planning Program staff at (512) 908-1457, (512) 908-1500 FAX, or 1-800-RELAY-TX (TDD), or by writing or visiting at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753.

• 31 TAC §115.10

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 18, 1992.

TRD-9208605 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 908-1451

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

• 31 TAC §§115.112-115.117, 115.119

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.119. *Counties and Compliance Schedules.* 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), §115.115(a) of this title (relating to Testing Requirements), §115.116(a) of this title (relating to 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.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 18, 1992.

TRD-9208606 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Effective date: August 1, 1992

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For further information, please call: (512) 908-1451

Vent Gas Control

• 31 TAC §§115.121-115.123, 115.125-115.127, 115.129

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.121. *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.

(1) Until July 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following volatile organic compounds (VOC) or classes of VOC, unless the vent gas stream is burned properly in accordance with §115.122(a)(1) of this title (relating to Control Requirements):

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

(C) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and

branched chain hydrocarbons (C8 and above).

(2) In Dallas, Harris, and Tarrant Counties, and after July 31, 1994, in counties other than Dallas, Harris, and Tarrant, no person may allow a vent gas stream containing VOC to be emitted from any process vent, unless the vent gas stream is burned properly in accordance with §115.122(a)(1) of this title.

(3) In Harris County, and after July 31, 1994, in counties other than Harris, no person may allow a vent gas stream to be emitted from any air oxidation synthetic organic chemical manufacturing process, any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, or any continuous polystyrene manufacturing process, unless the vent gas stream is controlled to a VOC emission rate of no more than 20 parts per million or is burned properly in accordance with §115.122(a)(2) of this title.

(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) (1) of this title:

(1) emissions of ethylene associated with the formation, handling, and storage of solidified low-density polyethylene;

(2) emissions of the following specific VOC: ethylene, butadiene, isobutylene, styrene, isoprene, propylene, methylstyrene; and

(3) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and branched chain hydrocarbons (C8 and above).

(c) For persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following emission specifications shall apply.

(1) 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(c)(1) of this title:

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

(2) No person may allow a vent gas stream to be emitted from any catalyst regeneration of a petroleum or chemical process system, basic oxygen furnace, or fluid coking unit into the atmosphere, unless the vent gas stream is properly burned in accordance with §115.122(c)(2) of this title.

(3) No person may allow a vent gas stream to be emitted from any iron cupola into the atmosphere, unless the vent gas stream is properly burned in accordance with §115.122(c)(3) of this title.

(4) Vent gas streams from blast furnaces shall be burned properly in accordance with §115.122(c) (4) of this title.

§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) (No change.)

(2) Until July 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, the following vent gas streams are exempt from the requirements of §115.121(a)(1) of this title (relating to Emission Specifications):

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

(3) In Dallas, Harris, and Tarrant Counties, and after July 31, 1994, in counties other than Dallas, Harris, and Tarrant, the following vent gas streams are exempt from the requirements of §115.121(a)(2) of this title:

(A) (No change.)

(B) until July 31, 1994, in Harris County, a vent gas stream specified in §115.121(a)(2) of this title with a concentration of volatile organic compound (VOC) less than 0.44 psia true partial pressure (30,000 ppm); and

(C) a vent gas stream specified in §115.121(a)(2) of this title with a concentration of VOC less than 0.009 psia true partial pressure (612 ppm).

(4) In Harris County, and after July 31, 1994, in counties other than Harris, the following vent gas streams are exempt from the requirements of §115.121(a)(3) of this title:

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

(C) a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period.

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

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(b)(1) of

this title if no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1,000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of the solidified product.

(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)(1)(B) and (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)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (30,000 ppm).

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

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(c)(1) of this title if no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1,000 kg) of product are emitted from all the vent gas streams associated with the formation, handling, and storage of the solidified product.

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

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

(B) a vent gas stream having a concentration of the VOC specified in §115.121(c)(1)(B) and (C) of this title less than 0.44 psia true partial pressure (3.0 kPa); and

(C) a vent gas stream from any process referenced in §115.121(c)(2) of this title emitting less than or equal to five tons (4,536 kg) of total uncontrolled VOC in any one calendar year.

§115.129. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/ Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Vent Gas Control) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.121(a) of this title (relating to Emission Specifications), §115.122(a) of this title (relating to Control Requirements), §115.123(a) of this title (relating to Alternate Control Requirements), §115.125(a) of this title (relating to Testing Requirements), §115.126 of this title (relating to Recordkeeping Requirements), and §115.127(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994. Sections 115.121(c) of this title, 115.122(c) of this title, 115.123(c) of this title, and 115.127(c) of this title shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

(2) All persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.121(a)(2) and (3) of this title and §115.127(a)(3) of this title shall be in compliance with these sections as soon as practicable, but no later than July 31, 1994.

(3) All persons in Harris County affected by the provisions of §115.127(a)(3)(C) of this title shall be in compliance with this section as soon as practicable, but no later than July 31, 1994.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Water Separation

• 31 TAC §§115.131-115.133,
115.135-115.137, 115.139

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.131. 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), any volatile organic compound (VOC) water separator equipped with a vapor recovery system in order to comply

with §115.132(a) of this title (relating to Control Requirements) shall reduce emissions such that the VOC in vent gases to the atmosphere will not exceed:

(1) (No change.)

(2) a true partial pressure of 1.5 psia (10.3 kPa) at facilities other than petroleum refineries until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties;

(3) a true partial pressure of 0.5 psia (3.4 kPa) at any facility in Dallas and Tarrant Counties; or

(4) a true partial pressure of 0.5 psia (3.4 kPa) at facilities other than petroleum refineries after July 31, 1994, in counties other than Dallas and Tarrant.

(b) For all persons in Gregg, Nueces, and Victoria Counties, any VOC water separator equipped with a vapor recovery system in order to comply with §115.132(b) of this title shall reduce emissions such that the partial pressure of the VOC in vent gases to the atmosphere will not exceed a level of 1.5 psia (10.3 kPa).

(c) For all persons in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, any VOC water separator equipped with a vapor recovery system in order to comply with §115.132(c) of this title shall reduce emissions such that the true partial pressure of the VOC in vent gases to the atmosphere will not exceed a level of 1.5 psia (10.3 kPa).

§115.137. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

(1) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, volatile organic compound (VOC) water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(a) of this title (relating to Control Requirements).

(2) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(a) of this title.

(3) Until July 31, 1994, in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.

3 kPa) obtained from any equipment in a facility other than a petroleum refinery is exempt from §115.132(a).

(4) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 0.5 psia (3.4 kPa) obtained from any equipment is exempt from §115.132(a) of this title.

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) VOC water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(b) of this title.

(2) Any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(b) of this title.

(3) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.3 kPa) obtained from any equipment is exempt from §115.132(b) of this title.

(4) In Gregg County, any single or multiple compartment VOC water separator which separates materials obtained from any equipment in a facility other than a petroleum refinery is exempt from §115.132(b) of this title.

(c) For Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties, the following exemptions shall apply.

(1) VOC water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from §115.132(c) of this title.

(2) Any single or multiple compartment VOC water separator which separates less than 200 gallons (757 liters) a day of materials containing VOC obtained from any equipment is exempt from §115.132(c) of this title.

(3) Any single or multiple compartment VOC water separator which separates materials having a true vapor pressure of VOC less than 1.5 psia (10.3 kPa) obtained from any equipment is exempt from §115.132(c) of this title.

§115.139. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Water Separation) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.131(a) of this title (relating to Emission Specifications), §115.132(a) of this title (relating to Control Requirements), §115.133(a) of this title (relating to Alternate Control Requirements), §115.135(a) of this title (relating to Testing Requirements), §115.136(a) of this title (relating to Recordkeeping Requirements), and §115.137(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994. Sections 115.131(c) of this title, 115.132(c) of this title, 115.133(c) of this title, and 115.137(c) of this title shall no longer apply in Hardin and Montgomery Counties after July 31, 1994.

(2) All persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties affected by §115.131(a)(4) of this title and §115.137(a)(1)-(3) of this title shall be in compliance as soon as practicable, but no later than July 31, 1994.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Subchapter C. Volatile Organic Compound Marketing Operations

Loading and Unloading of Volatile Organic Compounds

• 31 TAC §§115.211-115.217, 115.219

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.211. Emission Specifications. 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.

(1) Gasoline terminal, as defined in §115.10 of this title (relating to Definitions), emission limitations are as follows:

(A) until January 31, 1994, in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties, volatile organic compound (VOC) vapors from gasoline terminals shall be reduced to a level not to exceed 0.67 pounds of VOC from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred; and

(B) in Dallas, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, Harris, and Tarrant, VOC vapors from gasoline terminals shall be reduced to a level not to exceed 0.33 pound of VOC from the vapor recovery system vent per 1,000 gallons (40 mg/liter) of gasoline transferred.

(2) In Harris County, and after January 31, 1994, in counties other than Harris, the maximum loss of VOC due to product transfer at a gasoline bulk plant, as defined in §115.10 of this title, is 1.2 pounds per 1,000 gallons (140 mg/liter) of gasoline transferred.

§115.212. 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) In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant, no person shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank, unless the following requirements are met:

(A)-(E) (No change.)

(5) In Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant, no person shall permit the transfer of gasoline from a gasoline bulk plant into a delivery tank-truck tank, unless the following requirements are met:

(A)-(G) (No change.)

(6) (No change.)

(b) For all persons in Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.

(1) No person shall permit the loading or unloading of volatile organic compounds (VOC) to or from any facility other than gasoline terminals, unless the vapors are processed by a vapor recovery system as defined in §115.10 of this title (relating to Definitions).

(2) When loading or unloading is effected through the hatches of a tank-truck or trailer or railroad tank car 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 prevent liquid drainage from the loading device when it is removed from the hatch of any tank-truck, trailer, or railroad tank car, or to accomplish complete drainage before such removal. When loading or unloading is effected through means other than hatches, all loading and vapor lines shall be:

(A) equipped with fittings which make vapor-tight connections and which close automatically when disconnected; or

(B) equipped to permit residual VOC in the loading line to discharge into a recovery or disposal system after loading is complete. All gauging and sampling devices shall be vapor-tight, except for necessary gauging and sampling.

(3) Vapor recovery systems and loading equipment at gasoline terminals must be designed and operated to meet the following conditions:

(A) gauge pressure must not exceed 18 inches of water (4.5 kPa) and vacuum must not exceed six inches of water (1.5 kPa) in the gasoline tank-truck;

(B) no VOC leaks, as defined in §115.10 of this title, shall be allowed from any potential leak source when measured with a portable combustible gas detector; and

(C) no avoidable liquid or gaseous leaks, as detected by sight, sound, or smell, shall exist during loading and unloading operations.

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

(1) No person shall permit the loading or unloading to or from any loading facility of VOC, unless such facility is equipped with a vapor recovery system as defined in §115.10 of this title.

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

§115.216. Recordkeeping Requirements. For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.211 of this title (relating to Emission

Specifications) and §115.212(a) of this title (relating to Control Requirements), the owner or operator of any volatile organic compound (VOC) loading or unloading 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 Air Control Board, U.S. Environmental Protection Agency, or local air pollution control agency having jurisdiction in the area:

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

(4) for gasoline bulk plants in Dallas, El Paso, Harris, and Tarrant Counties, and after January 31, 1994, in counties other than Dallas, El Paso, Harris, and Tarrant:

(A)-(D) (No change.)

§115.217. Exemptions.

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

(1) (No change.)

(2) Any facility, excluding gasoline bulk plants, having less than 20,000 gallons (75,708 liters) throughput of volatile organic compounds (VOC) per day (averaged over any consecutive 30-day period) is exempt from the requirements of this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds).

(3) Until January 31, 1994, gasoline terminals located in Harris County and having less than 500,000 gallons (1,892,706 liters) throughput per day (averaged over any consecutive 30-day period) are exempt from the requirements of §115.211(1)(B) of this title (relating to Emission Specifications).

(4) Until January 31, 1994, gasoline terminals located in Dallas and Tarrant Counties and having less than 100,000 gallons (378,541 liters) throughput per day (averaged over any consecutive 30-day period) are exempt from the requirements of §115.211(1)(B) of this title.

(5) (No change.)

(6) Gasoline bulk plants which have a gasoline throughput less than 4,000 gallons (15,142 liters) per day averaged over any consecutive 30-day period are exempt from the provisions of §115.211(2) of this title, §115.212(a)(5) of this title (relating to Control Requirements), and §115.216(4) of this title (relating to Recordkeeping Requirements).

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

(1) Any facility for loading or unloading of VOC with a true vapor pressure less than 1.5 psia (10.3 kPa) under actual storage conditions is exempt from the requirements of this undesignated head.

(2) Any facility having less than 20,000 gallons (75,708 liters) throughput of VOC per day (averaged over any consecutive 30-day period) is exempt from the requirements of this undesignated head.

(3) All loading and unloading facilities for crude oil and condensate, for ships and barges, and for liquefied petroleum gas only (regulated by the safety rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) are exempt from the requirements of §115.212(b) of this title.

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

(1)-(2) (No change.)

(3) All loading or unloading facilities for crude oil or condensate, for ships and barges, and for facilities loading or unloading only liquefied petroleum gas (regulated by the safety rules of the Liquefied Petroleum Gas Division of the Texas Railroad Commission) are exempt from the provisions of §115.212(c) of this title.

§115.219. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.211 of this title (relating to Emission Specifications), §115.212(a) of this title (relating to Control Requirements), §115.213(a) of this title (relating to Alternate Control Requirements), §115.214(a) of this title (relating to Inspection Requirements), §115.215(a) of this title (relating to Testing Requirements), §115.216 of this title (relating to Recordkeeping Requirements), and §115.217(a) of this title (relating to Exemptions) as soon as practicable, but no later than January 31, 1994. Section 115.212(c) of this title, §115.213(c) of this title, and §115.217(c) of this title shall no longer apply in Hardin and Montgomery Counties after January 31, 1994.

(2) All affected persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.211(1)(B) of this title as soon as practicable, but no later than January 31, 1994.

(3) All affected persons in Brazoria, Dallas, El Paso, Galveston, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.211(2) of this title as soon as practicable, but no later than January 31, 1994.

(4) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.212(a)(4) and (5) of this title, §115.214(a)(4) of this title, and §115.216(4) of this title as soon as practicable, but no later than January 31, 1994.

(5) All affected persons in Harris County shall be in compliance with §115.217(a)(3) of this title as soon as practicable, but no later than January 31, 1994.

(6) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.217(a)(4) of this title as soon as practicable, but no later than January 31, 1994.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208609 Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

• 31 TAC §§115.221-115.227, 115.229

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.229. Counties and Compliance Schedules. All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in compliance with this undesignated head (relating to Stage I Filling of Gasoline Storage Vessels) as soon as practicable, but no later than January 31, 1994.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208610 Lane Hartscock
Deputy Director, Air Quality
Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks

• 31 TAC §§115.234-115.236, 115.239

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.239. Counties and Compliance Schedules. All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.234 of this title (relating to Inspection Requirements), §115.235 of this title (relating to Testing Requirements), and §115.236 of this title (relating to Recordkeeping Requirements) as soon as practicable, but no later than January 31, 1994.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208611 Lane Hartscock
Deputy Director, Air Quality
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Texas Air Control Board

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For further information, please call: (512) 908-1451

Subchapter D. Petroleum Refining and Petrochemical Processes

Process Unit Turnaround and Vacuum Producing Systems in Petroleum Refineries

• 31 TAC §§115.311-115.313, 115.315-115.317, 115.319

The amendments and new section are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consis-

tent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208612 Lane Hartsock
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Planning
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For further information, please call: (512) 908-1451

Subchapter D. Petroleum Refining and Petrochemical Processes

Fugitive Emission Control in Petroleum Refineries

- 31 TAC §§115.322-115.327, 115.329

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208613 Lane Hartsock
Deputy Director, Air Quality
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Texas Air Control Board

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For further information, please call: (512) 908-1451

Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, Methyl Tert-Butyl Ether Manufacturing Processes

- 31 TAC §§115.332-115.337, 115.339

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208614 Lane Hartsock
Deputy Director, Air Quality
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For further information, please call: (512) 908-1451

Fugitive Emission Control in Natural Gas/Gasoline Processing Operations

- 31 TAC §§115.342-115.347, 115.349

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9208615 Lane Hartsock
Deputy Director, Air Quality
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For further information, please call: (512) 908-1451

Subchapter E. Solvent-Using Processes

Degreasing Processes

- 31 TAC §§115.412, 115.413, 115.415-115.417, 115.419

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Surface Coating Processes

- 31 TAC §§115.421-115.427, 115.429

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

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TRD-9208617 Lane Hartsock
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For further information, please call: (512) 908-1451

Graphic Arts (Printing) by Rotograve and Flexographic Processes

- 31 TAC §§115.432, 115.433, 115.435-115.437, 115.439

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 908-1451

Subchapter F. Miscellaneous Industrial Sources

Cutback Asphalt

- 31 TAC §§115.512, 115.513, 115.515-115.517, 115.519

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Planning
Texas Air Control Board

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For further information, please call: (512) 908-1451

Pharmaceutical Manufacturing Facilities

- 31 TAC §§115.531-115.537, 115.539

The amendments are adopted under the Texas Clean Air Act, §382.017 (TCAA), Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 908-1451

Subchapter G. Consumer Related Sources

Consumer Related Solvent Products

- 31 TAC §§115.612, 115.613, 115.614, 115.615, 115.617, 115.619

The new sections are adopted under the Texas Clean Air Act, §382.017 (TCAA), Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part II. Texas Youth Commission

Chapter 85. Admission and Placement

Placement Planning

- 37 TAC §§85.29, §85.43

The Texas Youth Commission (TYC) adopts amendments to §85.29, and §85.43, concerning program completion and movement and interstate compact for TYC Youth, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3718).

The amendment to §85.29 assures that a youth will not be released until he/she completes all of the requirements of the program. Section 85.43 assures that the receiving state will have all of the pertinent information before receiving the youth.

The amendment to §85.29 states that when a youth is in follow-up in a high restriction program, the provision requiring that parole be earned will take precedence over the provision requiring automatic parole after six months in follow-up. The amendment to §85.43 adds subsections regarding emergency home evaluations and travel permits.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208662 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: July 14, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 483-5244

Chapter 87. Treatment

Other Programs

- 37 TAC §87.53

The Texas Youth Commission (TYC) adopts an amendment to §87.53, concerning moral values, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3719).

The section concerning moral values, worship, and religious education of youth committed to TYC. The amendment will bring about a more efficient treatment process.

Provision is made for reasonable access to religious programs/counseling.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.046, which provides the Texas Youth Commission with the authority to provide for the religious and spiritual training for children in its custody according to the children's individual choices.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208661 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: July 14, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 483-5244

Chapter 91. Discipline and Control

Control

- 37 TAC §91.69

The Texas Youth Commission (TYC) adopts an amendment to §91.69, concerning detection, without changes to the proposed text in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3721).

The amendment will bring about more thorough and efficient detention procedures.

Criteria for detention placement now includes major rule violations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.040, which provides the Texas Youth Commission with the authority to establish and operate places for detention.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

Effective date: July 14, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512)
483-5244

Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

Temporary Emergency Housing-Buildings

• 37 TAC §§259.401-259.422

The Texas Commission on Jail Standards adopts new sections 259.401-259.422. Sections 259.401-259.403, 259.405, 259.406, 259.409, 259.410, and 259.412 are adopted with changes to the proposed text as published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3775). Sections 259.404, 259.407, 259.408, 259.411, and 259.413-259.422 are adopted without changes and will not be republished.

To relieve crowded conditions in county jails, the use of buildings for temporary emergency housing has been initiated. Requirements and recommendations for minimum standards relating to the construction, equipment, maintenance, and operation of those types of facilities are established.

County authorities will be given viable, cost-effective, expedient alternatives to relieve over-crowding until permanent solutions can be implemented. Inmates will be provided with safe, suitable, sanitary, and secure facilities.

Legal counsel suggested the wording regarding declaration of emergency by county officials be deleted because a declaration of this type could diminish the commission's discretionary authority to invoke enforcement action.

The new sections are adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.401. Qualifications for Use. The commission may approve the use of buildings for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court and permanent resolution to the emergency conditions has been initiated. The county shall submit to the commission a plan indicating permanent solutions to the conditions which have been initiated and time frames by which the solutions will be fully implemented or the conditions will be remedied.

§259.402. Time Period. Buildings shall not be used for a period of time in excess of three years without review and approval by the commission to continue their use.

§259.403. Construction Approval. The county shall submit, for approval by the commission, drawings and specifications of the proposed building construction in sufficient detail to demonstrate that the completed building construction meets the requirements of this section.

§259.405. Security Requirements.

(a) Buildings should protect inmates from one another, protect custodial personnel from inmates, and deter or prevent escapes. Separate secure storage space shall be provided for disposition of weapons outside the entrance to the buildings.

(b) A low-risk facility need not be designed and maintained as a special security unit. It does not require a security perimeter. When built in conjunction with other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.

(c) A security perimeter to restrict the movement of inmates and unauthorized persons and to prevent the introduction of contraband into the facility shall be maintained in medium-risk facilities. Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within a medium-risk facility.

§259.406. Classification and Separation. Inmates housed in buildings shall be classified as low-risk and medium-risk in accordance with §271.1 of this title (relating to Classification and Separation of Inmates).

(1) Low-risk facility design shall provide adequate male-female segregation in accordance with the facility classification plan and §271.1 of this title. Additional segregation is not required except for inmates whose classification may change due to administrative, disciplinary, or medical reasons.

(2) Medium-risk facilities shall have cells and day rooms of capacities which provide adequate separation of different classifications of male and female inmates as required by the facility classification plan and §271.1 of this title.

§259.409. Supervision. At least one corrections officer shall be provided in each building at all times. Guard stations shall be provided within sufficient proximity to inmate living and day room areas to respond to emergencies. They should be so arranged that visibility into the housing area is pro-

vided. Inmates shall be supervised to meet the requirements of Chapter 275 of this title (relating to Supervision of Inmates.)

§259.410. Construction Materials and Methods. Buildings shall be designed, constructed, and maintained in a manner to provide a safe, sanitary, secure, and structurally sound environment for inmates and staff. Class A finishes are required on exterior and interior walls and ceilings. A Class B roof shall be provided. Floor drains should be provided at wet areas. Building construction shall incorporate measures which protect against the entrance and infestation of vermin. Construction materials for type of facility are as follows.

(1) Inmate living areas and day rooms in low-risk facilities may be constructed of conventional construction materials. Plywood floors with a fire retardant vinyl covering may be used for the building floor.

(2) Inmate living areas and day rooms in medium-risk facilities shall be constructed of metal, masonry, concrete, or other comparable materials. The purpose of a particular wall or partition and the type of security sought to be achieved should determine the selection of appropriate materials.

§259.412. Life Safety Equipment. Self-alarming smoke detectors or smoke detectors which are part of an automatic fire detection and alarm system shall be provided for each inmate living and day room area in sufficient numbers to provide prompt warning to occupants and staff. Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the building as approved in writing by local fire official shall be provided. A standpipe and hose system with a one-inch non-collapsible or 1 1/2-inch collapsible hose utilizing a four-inch domestic water system shall be provided. A manually operated or automatic smoke removal system shall be provided. (Exception: single story low-risk facility buildings which provide direct exiting to the exterior of the building from the inmate living and day room areas and whose exit doors are incapable of being locked from the inside are not required to provide a smoke system.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208658

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: July 14, 1992

Proposal publication date: May 22, 1992
For further information, please call: (512) 463-5505

◆ ◆ ◆
**Temporary Emergency
Housing-Tents**

◆ ◆ ◆
• 37 TAC §§259.501-259.524

The Texas Commission on Jail Standards adopts new §§259.501-259.524. Section 259.501 and §259.502 are adopted with changes to the proposed text as published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3775). Sections 259.503-259.524 are adopted without changes and will not be republished.

To relieve crowded conditions in county jails, the use of tents for temporary emergency housing has been initiated. Requirements and recommendations for minimum standards relating to the construction, equipment, maintenance, and operation of these types of facilities are established.

County authorities will be given viable, cost-effective, expedient alternatives to relieve overcrowding until permanent solutions can be implemented. Inmates will be provided with safe, suitable, and sanitary facilities.

Legal counsel suggested the wording regarding declaration of emergency by county officials be deleted because a declaration of this type could diminish the commission's discretionary authority to invoke enforcement action.

The new sections are adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.501. Qualifications for Use. The commission may approve the use of tents for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court and permanent resolution to conditions has been initiated. The county shall indicate permanent solutions which have been initiated and time frames by which the solutions will be fully implemented or the conditions will be remedied.

§259.502. Time Period. Tents shall not be used for a period of time in excess of two years without review and approval by the commission to continue their use.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208659 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: July 14, 1992
Proposal publication date: May 22, 1992
For further information, please call: (512) 463-5505

◆ ◆ ◆
**TITLE 40. SOCIAL SER-
VICES AND ASSIS-
TANCE**

◆ ◆ ◆
**Part I. Texas Department
of Human Services**

**Chapter 29. Purchased Health
Services**

**Subchapter B. Medicaid Eye-
glass Program**

The Texas Department of Human Services (DHS) adopts amendments to §29.103 and §29.1111 concerning purchased health services, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3457). Also in this issue of the *Texas Register*, DHS is adopting a related amendment in Chapter 33, Early and Periodic Screening, Diagnosis, and Treatment (EPSDT).

The justification for the amendments is to make the sections consistent with the Texas Medicaid Reimbursement Methodology (TMRM) which was implemented April 1, 1992. The amendments delete reference to reasonable charges and provider profiles.

The amendments will function by providing a clearer statement to Medicaid providers of DHS's basis for reimbursement for vision care services.

No comments were received regarding adoption of the amendments.

◆ ◆ ◆
• 40 TAC §29.103

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208666 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 450-3765

**Subchapter G. Hospital Ser-
vices**

◆ ◆ ◆
• 40 TAC §29.606

The Texas Department of Human Services (DHS) adopts an amendment to §29.606, concerning hospital services, without changes to the proposed text as published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3778).

The justification for the amendment is to specify that the cost-of-living index applied to the standard dollar amounts will not be less than the Health Care Financing Administration's (HCFA) Market Basket Forecast, also known as the PPS Input Price Index, based on the report issued for the federal fiscal year quarter ending in March of each year. DHS adjusts the HCFA Market Basket Forecast to the state fiscal year.

The amendment will function by ensuring continued availability of Medicaid benefits to needy individuals as a result of appropriate reimbursement to providers.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 24, 1992.

TRD-9208717 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 22, 1992

For further information, please call: (512) 450-3765

◆ ◆ ◆
• 40 TAC §29.609

The Texas Department of Human Services (DHS) adopts an amendment to §29.609, concerning hospital services, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3458).

The justification for the amendment is to comply with and augment reporting requirements for disproportionate share hospitals, in compliance with provisions of Senate Bill 82 passed by the 72nd Texas Legislature.

The amendment will function by providing for a better understanding of how hospitals in Texas use the Medicaid disproportionate share funds they receive.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and

32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208668 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 450-3765

Subchapter G. Hospital Services

• 40 TAC §29.609

The Texas Department of Human Services (DHS) adopts an amendment to §29. 609, concerning hospital services, without changes to the proposed text as published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3779).

The justification for the amendment is to specify that hospitals that do not qualify for disproportionate share payments or that believe the amount of payment is incorrect may request and receive a review by the department. This process will apply to the department's third and fourth disproportionate share programs. Hospitals that request a review will be notified at the time of the first monthly payment of the results of the review.

The amendment will function by ensuring continued access to medical care through appropriate reimbursement to disproportionate share hospitals.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208671 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 22, 1992

For further information, please call: (512) 450-3765

Subchapter UUUU. Support Documents

• 40 TAC §29.9801

The Texas Department of Human Services (DHS) adopts the repeal of §29. 9801, concerning support documents, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3458).

The justification for the repeal is to delete this obsolete section. This action is necessary because DHS no longer uses a separate agreement for eyeglass suppliers.

The repeal will function by eliminating the obsolete section from DHS's Purchased Health Services chapter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208669 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 450-3765

Subchapter L. General Administration

• 40 TAC §29.1111

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208667

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 450-3765

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter T. EPSDT Eyeglass Program

• 40 TAC §33.404

The Texas Department of Human Services (DHS) adopts an amendment to §33. 404, concerning reimbursement, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3459). Also in this issue of the *Texas Register*, DHS is adopting related amendments in Chapter 29, Purchased Health Services.

The justification for the amendment is to make the section consistent with the Texas Medicaid Reimbursement Methodology (TMRM) which was implemented April 1, 1992. The amendment deletes reference to reasonable charges and provider profiles.

The amendment will function by providing a clearer statement to Medicaid providers of DHS's basis for reimbursement for vision care services.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208670 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 450-3765

STULTS
ROAD



Name: David Singh

Grade: 4

School: Stults Road Elementary, Richardson ISD

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Tuesday, July 14, 1992, 1 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Lowake Steak House, Route 1, Rowena. According to the complete agenda, the board will read and discuss approval of minutes of prior meeting and/or meetings; treasurer's report; presentation of bills, and approval of the same-list or income and expenses; report of activities by board reporter; committee reports; reports from special guests with discussion and action on proposals; discussion and action on old business; discussion on new business; 1992-1993 cotton crop assessment and establishing an agenda for another special meeting if needed.

Contact: Sid Long, P.O. Box 30036, San Angelo, Texas 76903, (512) 463-7476.

Filed: June 24, 1992, 1:54 p.m.

TRD-9208746

Tuesday, July 14, 1992, 1:30 p.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §76.116(a)(1) and 4 TAC §7.22, by Ed Shores.

Contact: Ivry J. Pollard, P.O. Box 12847, Austin, Texas 78711, (512) 463-1668.

Filed: June 24, 1992, 1:54 p.m.

TRD-9208749

Texas Department of Commerce

Thursday, July 2, 1992, 9 a.m. The Texas Skills Development Panel of the Texas Department of Commerce will meet at the Four Seasons Hotel, San Jacinto Room, 98 San Jacinto Boulevard, Austin. According to the agenda summary, the Texas Department of Commerce has been charged by Governor Richards with developing a statewide strategy to ensure that Texas workers have the skills required for employment in a global economy. The Texas Skills Development Program Panel will convene orientation session on July 2, 1992 to discuss its purpose, responsibilities, and long-range agenda. The TSDP panel is composed of distinguished representatives from Texas business, industry, and labor. The panel's long-range purpose is to support the development of a model for establishing skill standards for selected occupations in Texas. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Deron Bissett, (512) 320-9800 at least two days before this meeting so that appropriate arrangements can be made. Please contact Sandra Saucedo at (512) 320-9801 if you need assistance in having English translated into Spanish.

Contact: Jim Boyd, P.O. Box 12728, Austin, Texas 78711, (512) 320-9800.

Filed: June 23, 1992, 12:54 p.m.

TRD-9208678

Texas Education Agency

Wednesday, July 22, 1992, 10 a.m. The Advisory Committee for Budgeting, Accounting, and Auditing of the Texas Education Agency will meet at the Texas Associa-

tion of School Business Officials, Suite 770, 1701 Directors Boulevard, Austin. According to the complete agenda, the committee will review and discuss Change 27 to Bulletin 679, Financial Accounting Manual, relating to changes in accounting procedures for school districts and revisions to fund codes.

Contact: Thomas D. Canby, Jr., 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9095.

Filed: June 23, 1992, 2:17 p.m.

TRD-9208690

Office of the Governor, Texas Information and Referral Project

Tuesday-Wednesday, July 7-8, 1992, 9 a.m. The Health and Human Services Dictionary Workgroup of the Texas Information and Referral Project, Office of the Governor will meet at the Brown-Heathly Building, 4900 North Lamar Boulevard, Room 5501, Austin. According to the complete agenda, the workgroup will call the meeting to order; discuss approval of minutes; discuss alphabetical listings of terms and definitions/development of cross-references; and on Wednesday, discuss hierarchical listing of terms and definit; discuss permuted index of terms; definitions of terms describing facilities; approval of initial draft document for distribution to agencies; and adjourn.

Contact: Carol Price, 201 East 14th Street, Austin, Texas 78701, (512) 463-1782.

Filed: June 25, 1992, 9:01 a.m.

TRD-9208771

Texas Department of Health

Saturday, June 27, 1992, 8 a.m. The Continuing Education Committee of the Medical Radiologic Technologist Advisory Board of the Texas Department of Health held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-653, Austin. According to the complete agenda, the committee discussed and possibly acted on amendments to rules relating to continuing education (Title 25, TAC §143.11). The emergency status was necessary due to unforeseeable circumstances.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6617.

Filed: June 24, 1992, 3:41 p.m.

TRD-9208765

Saturday, June 27, 1992, 9:45 a.m. The Credentials Committee of the Medical Radiologic Technologist Advisory Board of the Texas Department of Health, held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-653, Austin. According to the complete agenda, the committee discussed and possibly acted on: amendments to rules relating to certificate issuance, renewals and late renewals (Title 25, TAC §143.10); and amendments to rules relating to violations and subsequent actions (Title 25, TAC §143.14). The emergency status was necessary due to unforeseeable circumstances.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6617.

Filed: June 24, 1992, 3:41 p.m.

TRD-9208764

Saturday, June 27, 1992, 10:15 a.m. The Rules Committee of the Medical Radiologic Technologist Advisory Board of the Texas Department of Health, held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-653, Austin. According to the complete agenda, the committee discussed and possibly acted on amendments to rules relating to the Certification of Medical Radiologic Technologists (Title 25, TAC §§143.1-143.15). The emergency status was necessary due to unforeseeable circumstances.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6617.

Filed: June 24, 1992, 3:40 p.m.

TRD-9208763

◆ ◆ ◆
Wednesday, July 8, 1992, 1 p.m. The Subcommittee on Integrated Eligibility of the

Maternal and Child Health Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-418, Austin. According to the complete agenda, the subcommittee will discuss and possibly act on: integrated eligibility update; Integrated Client and Encounter System; and Texas Pilot Integrated Eligibility Services.

Contact: Scott Simpson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:41 p.m.

TRD-9208766

Wednesday, July 8, 1992, 3 p.m. The Case Management Subcommittee of the Maternal and Child Health Advisory Committee will meet at the Texas Department of Health, 1100 West 49th Street, Room M-418, Austin. According to the complete agenda, the subcommittee will discuss approval of minutes of last meeting; discuss and possibly act on: status of case management by the Texas Department of Health, The Texas Department of Mental Health/Mental Retardation, the Texas Education Agency, and the Texas Department of Human Services; draft of case management guidelines; and plan for report to the committee.

Contact: Scott Simpson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:41 p.m.

TRD-9208767

Thursday, July 9, 1992, 8:30 a.m. The Maternal and Child Health Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will discuss and possibly act on: subcommittee reports concerning integrated eligibility, case management, and data legislative report; family health services update; department child health activities update; early periodic screening detection and treatment update; managed care proposal; Texas Education Agency health initiatives; report on investigation of neural tube defects in Cameron County; Texas summit on adolescent pregnancy prevention.

Contact: Madelin Walls, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:39 p.m.

TRD-9208758

Monday, July 13, 1992, 9:30 a.m. The Trauma Technical Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will discuss and possibly act on: planning for educating both the public and the legislature on the importance of trauma system development and the need for funding.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7550. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:39 p.m.

TRD-9208759

◆ ◆ ◆ Statewide Health Coordinating Council

Tuesday, July 7, 1992, 9 a.m. The Plan Development Committee of the Statewide Health Coordinating Council will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will hear report from last meeting; and discuss and possibly act on the draft state health plan, 1993-1994.

Contact: Carol Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:40 p.m.

TRD-9208761

Tuesday, July 7, 1992, noon. The Legislative Committee of the Statewide Health Coordinating Council will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will discuss and possibly act on legislative activity.

Contact: Carol Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:39 p.m.

TRD-9208760

Tuesday, July 7, 1992, 1:30 p.m. The Statewide Health Coordinating Council will meet at the Texas Department of Health,

1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the council will discuss approval of minutes of the May 29, 1992 meeting; hear report of the Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health; hear comments by the new commissioner, Health and Human Services Commission; and discuss and possibly act on reports of Plan Development Committee and Legislative Committee.

Contact: Carol Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 24, 1992, 3:40 p.m.

TRD-9208762

Texas Department of Human Services

Thursday, July 2, 1992, 2:30 p.m. The Interagency Coordinating Council on Drop-out Prevention and Recovery of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room 103-W, Austin. According to the complete agenda, the council will call the meeting to order; make introductions; discuss approval of minutes of the May 11, 1992 meeting; compendium status report; reports from workgroups; discuss other business and next steps; and adjourn.

Contact: Cindy Marler, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3662.

Filed: June 23, 1992, 4:42 p.m.

TRD-9208702

Friday, July 3, 1992, 10 a.m. The Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the committee will make opening comments; hear deputy commissioner's comments; discuss approval of minutes; various reports; technical and federally-mandated changes to LTC/NFR for licensure and medicaid certification; specified low-income medicare beneficiaries; increase in dependent allowance; amendment to the HCS program; revision to IHFSP rules; emergency response services program rules revisions regarding provider enrollment and licensure; transitional services; time-limited eligibility for APS clients; feedback on advisory committee recommendations on tracking report; open discussion by members; schedule next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: June 23, 1992, 4:42 p.m.

TRD-9208701

Tuesday, July 7, 1992, 2 p.m. The Family Planning Interagency Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the council will discuss provider enrollment/participation criteria (PEPC) for Title XX contracts; and adjourn.

Contact: Beth Weber, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6460.

Filed: June 25, 1992, 9:38 a.m.

TRD-9208773

Thursday, July 9, 1992, 10 a.m. The Vendor Drug Advisory Committee of the Texas Department of Human Services will meet at the Moreton Building, Sixth Floor, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will make opening comments; discuss approval of minutes; restoration of vendor drug incentive factor; report on changes in days supply on prescription claims for Medicaid eligible nursing facility residents; policy issues for electronic billing initiative; FY 1992 budget report; schedule next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: June 23, 1992, 4:29 p.m.

TRD-9208698

Thursday, July 9, 1992, 1:30 p.m. (Rescheduled from July 9, 1992, 10 a.m. to 1:30 p.m.). The Vendor Drug Advisory Committee of the Texas Department of Human Services will meet at the Moreton Building, Sixth Floor, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will make opening comments; discuss approval of minutes; discuss restoration of vendor drug incentive factor; report on changes in days supply on prescription claims for Medicaid eligible nursing facility residents; policy issues for electronic billing initiative; FY 1992 budget report; plan next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 459-3053.

Filed: June 24, 1992, 3:38 p.m.

TRD-9208756

Friday, July 10, 1992, 9:15 a.m. The Medical Care Advisory Committee of the Texas Department of Human Services will meet 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the committee will make opening comments; hear

deputy commissioner's comments; discuss approval of minutes; various reports; technical and federally-mandated changes to long term care nursing facility requirements for licensure and medicaid certification; specified low-income medicare beneficiaries; increase in dependent allowance; amendment to home and community-based services program; revision to medical transportation program (MTP) policies and procedures; medicaid disproportionate share definitions; reimbursement methodology for expendable medical supplies and durable medical equipment under EPSDT-CCP; restoration of vendor drug incentive factor; feedback on advisory committees; open discussion by members; schedule next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: June 23, 1992, 4:33 p.m.

TRD-9208699

Texas Incentive and Productivity Commission

Thursday, July 9, 1992, 10 a.m. The Texas Incentive and Productivity Commission will meet at One Capitol Square, 15th and Lavaca Streets, Room 202, Austin. According to the complete agenda, the commission will hold a work session on the Productivity Bonus Program and other current issues; commissioners will receive information and discuss issues; a quorum may or may not be present; and no votes will be taken.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: June 25, 1992, 9:51 a.m.

TRD-9208774

Thursday, July 9, 1992, 1:30 p.m. The Texas Incentive and Productivity Commission will meet at the Reagan Building, 15th and Congress, Room 109, Austin. According to the complete agenda, the commission will call the meeting to order; take roll call of members present; discuss approval of minutes of previous meeting; consideration of: employee suggestions for approval; productivity plans for approval; agency applications for productivity bonus program awards; changes to 1992 operating budget; report on administrative matters; and adjourn.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: June 25, 1992, 9:51 a.m.

TRD-9208775

Texas Department of Insurance

Tuesday, June 30, 1992, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance met at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board considered a request filed by Consumer Credit Insurance Association seeking a reconsideration by the board of the effective date of presumptive premium rates for credit life insurance and credit accident and health insurance in Docket Number 1869 as approved by the board on June 2, 1992.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: June 23, 1992, 4:36 p.m.

TRD-9208700

Wednesday, July 1, 1992, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will discuss personnel; solvency; litigation; commissioner's orders; planning calendar; municipal bond filing by Town of Flower Mound; Article 5.15-1 filings by American Physicians Insurance Exchange; Ohio Casualty Insurance Company, et al; The Medical Protective Company, and United States Fidelity and Guaranty; excess of loss policy filings; commercial multi-peril filing by Liberty Mutual Fire Insurance Company; consider final action on repeal of 28 TAC §3.3311 concerning notice of consumer hotline for medicare supplement insurance; consider request by United States Fidelity and Guaranty Company for cessation of acceptance of small premium policies; consider motion of the Fire and Casualty Insurance Company of Connecticut and Security Insurance Company of Hartford requesting transfer of status under Small Premium Policy Plan; and consider approval of 1992 call for Texas Title Insurance Agent Statistical report for year end December 31, 1991.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: June 23, 1992, 4:19 p.m.

TRD-9208697

Wednesday, July 1, 1992, 2 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider the Texas Automobile Insurance Plans motion for rehearing as filed in Docket Number 1853, concerning the revision of the manual

rates for private passenger and commercial classes of risks written by the Texas Automobile Insurance Plan.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: June 23, 1992, 2:04 p.m.

TRD-9208685

Wednesday, July 15, 1992, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number R-1906 to consider a proposal submitted by the staff of the Texas Department of Insurance with regard to amendments to Rule 48 of the Texas Automobile Rules and Rating Manual and to the Automobile Liability Experience Rating Plan.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: June 23, 1992, 2:04 p.m.

TRD-9208684

Lamar University System, Board of Regents

Thursday, July 2, 1992, 9 a.m. (Rescheduled from June 23, 1992). The Policy Manual Review Committee of the Board of Regents of Lamar University System will meet at the John Gray Institute, Map Room, 855 Florida, Beaumont. According to the complete agenda, the committee will meet in business session; meet in executive session, held under provisions of Vernon's Civil Statutes, Article 6252-17, Paragraph 3(g), personnel.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: June 23, 1992, 1:18 p.m.

TRD-9208680

Public Utility Commission of Texas

Thursday, September 10, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11221-petition of Houston Lighting and Power Company to make a fuel credit and change its fuel factor.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 24, 1992, 3:17 p.m.

TRD-9208753

Texas Real Estate Commission

Friday, July 3, 1992, 8:30 a.m. The Inspector Examination Subcommittee of the Texas Real Estate Commission will meet at the TREC Headquarters, 1101 Camino La Costa, Room 235A (Second Floor), Austin. According to the complete agenda, the subcommittee will call the meeting to order; meet in executive session to review and discuss examination materials pursuant to Attorney General Opinion H-484; discussion and possible recommendations to the Texas Real Estate Inspector Committee; and adjourn.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: June 24, 1992, 9:16 a.m.

TRD-9208709

Structural Pest Control Board

Tuesday, July 7, 1992, 9 a.m. (Revised agenda). The Structural Pest Control Board will meet at the Thompson Conference Center, Room 3.120, 2405 East Campus Drive, Austin. According to the agenda summary, the board will discuss approval of the minutes of May 4, 1992, meeting; public comment period; discussion and/or proposals on the Africanized Bee; consider the following proposals for decision: Number 92-6-application of Thomas J. Carter, Jr. for a technician license; Number 92-7-application of David Silva, Jr. for a technician license; Number 92-8-application of Joe Pacheco for a certified applicator license; Number 92-9-application of Bruce Anzaldua for a certified applicator license; and Number 92-10-application of Miles Curtis Wathall for a technician license; and approval of administrative penalties and consent agreements.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: June 24, 1992, 10:56 a.m.

TRD-9208737

Texas Southern University

Monday, June 29, 1992, 4 p.m. The Building and Grounds Committee of the Board of Regents of Texas Southern University met at Texas Southern University, 3100

Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee considered construction change orders; payments to architects, contractors, and engineers; authorized and ratified contracts and awards; status of on going construction and current contractual relations.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: June 24, 1992, 11:29 a.m.

TRD-9208738

Tuesday, June 30, 1992, 4 p.m. The Finance Committee of the Board of Regents of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, and informational items.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: June 24, 1992, 11:30 a.m.

TRD-9208739

Texas State Technical College System

Tuesday, June 30, 1992, 10 a.m. The Board of Regents of the Texas State Technical College System will meet at the Marriott at the Capitol, 701 East 11th Street, Austin. According to the agenda summary, the board will discuss signature authorizations; consider the consultants review of the Texas State Technical College System commissioned by the Texas Higher Education Coordinating Board.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: June 24, 1992, 10:45 a.m.

TRD-9208734

Regional Meetings

Meetings Filed June 23, 1992

The Carson County Appraisal District Appraisal Review Board met at 102 Main Street, Panhandle, June 26, 1992, at 8:30 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970, (806) 537-3569. TRD-9208672.

The Dallas Central Appraisal District Appraisal Review Board met at 2949 North

Stemmons Freeway, Dallas, June 26, 1992, at 11:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9208682.

The Erath County Appraisal District Appraisal Review Board will meet June 30, July 1-2, 1992, at 9 a.m. Information may be obtained from Nicolle Minder, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9208681.

The Kempner Water Supply Corporation Board of Directors met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, June 25, 1992, at 7 p.m. The emergency status was necessary in order to have continued backhoe service for repairs and new service connections. Information may be obtained from Doug Lavender or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9208679.

The Red River Authority of Texas Board of Directors will meet at the Wichita Falls Activity Center, 607 Tenth Street, Room 214, Wichita Falls, July 15, 1992, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301, (817) 723-8697. TRD-9208664.

The Texas Political Subdivision Joint Self-Insurance Funds Board of Trustees met at the Hyatt Regency, Dallas/Fort Worth Airport, June 26, 1992, at 9 a.m. Information may be obtained from Ronald Pollard, P.O. Box 35045, Dallas, Texas 75235, (903) 593-4496. TRD-9208665.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 7, 1992, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9208696.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 7, 1992, at 4:30 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9208695.

Meetings Filed June 24, 1992

The Blanco County Appraisal District 1992 Appraisal Review Board met at the Courthouse Annex, Avenue G and Seventh Street, Johnson City, June 29, 1992, at 10 a.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4013. TRD-9208748.

The Brazos Valley Development Council Regional Solid Waste Advisory Committee will meet at the Council Offices, 3006 East 29th Street, Suite 2, Bryan, July 1, 1992, at

1:30 p.m. Information may be obtained from Jill Hyde, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277. TRD-9208747.

The Brazos Valley Development Council Regional Advisory Committee on Aging will meet at the Council Offices, 3006 East 29th Street, Suite #2, Bryan, July 2, 1992, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9208707.

The Brown County Appraisal District Appraisal Review Board met at 403 Fisk Avenue, Brownwood, June 29, 1992, at 8:30 a.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9208735.

The Education Service Center, Region XIII Board of Directors met at the ESC, Region XIII, Room 205, 5701 Springdale Road, Austin, June 29, 1992, at 11 a.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9208751.

The Hamilton County Appraisal District will meet at the Hamilton County Appraisal District Boardroom, 119 East Henry, Hamilton, July 7, 1992, at 7 a.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945, FAX (817) 386-8947. TRD-9208750.

The Heart of Texas Region Mental Health and Mental Retardation Center Board of Trustees will meet at 110 South 12th Street, Waco, June 30, 1992, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451. TRD-9208752.

The Johnson County Rural Water Supply Corporation Board met at the JCRWSC Office, Highway 171 South, Cleburne, June 29, 1992, at 6 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9208769.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, June 30, 1992, at 9 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9208708.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, July 14, 1992, at 9 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9208741.

The South Texas Private Industry Council, Inc. met at Highway 83 and Seventh, Zapata, June 25, 1992, at 4 p.m. Informa-

tion may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-0546. TRD-9208757.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 8, 1992, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9208736.

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Meetings Filed June 25, 1992

The Dawson County Central Appraisal District Board of Directors will meet at 920 North Dallas Avenue, Lamesa, July 1, 1992, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9208772.

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In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Children's Trust Fund of Texas Council

Correction of Error

The Children's Trust Fund of Texas Council proposed the repeal of 40 TAC §§201.1-201.9, concerning applicant eligibility, grant application procedures, selection procedures, payment method, payment procedures, Council/DHS special reports, evaluation, and confidentiality. The council proposed new 40 TAC §§201.1-201.10, concerning the establishment of the Children's Trust Fund of Texas council as a state agency (May 19, 1991) and the administration of the CTF Council. The rules were published in the June 19, 1992, *Texas Register* (17 TexReg 4433).

Due to editing errors by the *Texas Register*, in the preambles to the proposed repeal and new sections the name of the agency was incorrectly printed as "The Council of the Children's Trust Fund of Texas (CTF)". The name should read "The Children's Trust Fund of Texas Council (CTF)".

The chapter heading for the proposed repeal was printed as "Child Protective Services". That was the name of the chapter when it was under the Texas Department of Human Services. The chapter name as proposed for repeal under Children's Trust Fund of Texas Council should read "Child Abuse and Neglect Prevention".

The chapter heading for the proposed new sections was printed as "Child Protective Services". The correct chapter name for the proposed sections is "Council Administration: Policies and Procedures".

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Article 1.04, Title 79, Revised Civil Statutes of Texas, as amended (Article 5069-1.04, Vernon's Texas Civil Statutes).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/29/92-07/05/92	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

[graphic]

Issued in Austin, Texas, on June 22, 1992

TRD-9208712 Al Endsley
Consumer Credit Commissioner

Filed: June 24, 1992

For further information, please call: (512) 479-1280

Texas Education Agency

Correction of Error

The Texas Education Agency submitted a Request for Application notice (RFA #701-92-042), which was printed in the June 16, 1992, *Texas Register* (17 TexReg 4380).

Due to an error in the agency's submission the deadline for receipt of application was listed incorrectly as August 7, 1992. The correct date is August 14, 1992.

Request for Applied Technology Education Projects for State Programs and State Leadership Activities

This request for application is filed in accordance with the Carl D. Perkins Vocational and Applied Technology Act, Public Law 101-392, Title II, Sections 201, 221, and 222.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications from school districts, cooperatives of school districts, regional education service centers, institutions of higher education, consortia of the foregoing, private companies, and/or individuals for the development of vocational and applied technology education state programs and leadership activities projects.

Description. The TEA will fund the following projects: up to \$3, 300,000 for single parents, displaced homemakers and single pregnant women to receive preparatory services and vocational and applied technology education and training in medium and large size school districts (over 5,000 ADA) with marketable skills; up to \$1,420,000 in regional

projects to eliminate sex bias and stereotyping in vocational and applied technology education programs and training, and to encourage students to enroll in nontraditional vocational and applied technology education programs; up to \$1,270,000 for community-based organizations and local education agencies to provide vocational education support activities for economically and educationally disadvantaged youth; up to \$280,000 in personnel development for teacher certification programs in vocational and applied technology areas not generally offered through standard four-year programs; up to \$325,000 in personnel development for professional development workshops which would address priority needs of the following: excellence and equity for all students, integrating academic skills in vocational courses, needs of special populations, higher order thinking skills, elimination of sex bias and sex stereotyping, and introduction to new curriculum materials; up to \$250,000 for the continuation and expansion of the implementation of the integration of academic and vocational education from eight to ten additional school districts, identification and training of a cadre of administrators and academic career/applied technology teachers to provide staff development, follow-up of the results of the integration plans and to determine the impact of these results on student achievement.

Date of the Projects. Funding will be eligible to begin on or after July 1, 1992-June 30, 1993. Pre-agreement costs will be negotiated as necessary. Actual beginning date of the projects will be negotiated.

Selection Criteria. Applications will be approved through a formal review process based upon the score each applicant receives. Applications must address all requirements contained in the request for application.

Requesting the Application. A copy of the complete request for application (RFA #701-92-039) may be obtained by writing the Document Control Center, Room 6-108, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304.

Deadline for Receipt of Applications. The deadline for submitting an application is 5 p.m., Thursday, July 30, 1992. Applications should be sent to the following address: Document Control Center, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208691 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: June 23, 1992

For further information, please call: (512) 463-9701

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Request for Proposal

This request for proposal (RFP #701-92-041) is filed in accordance with the Texas Education Code, §51.601, engineering and science recruitment fund.

Eligible Proposers: The Texas Education Agency (TEA) is requesting proposals from organizations that qualify for exemption from federal income tax under the Internal Revenue Code, §501(c)(3), and which do not distribute net earnings to any private shareholder or other individual. The organization must serve groups of women or minority groups members who, considering their percentage of the

Texas population, are underrepresented in engineering, applied science, and technology at institutions of higher education.

Description: The objective of this project is to allocate funds to eligible organizations to establish educational programs which support the recruitment of women and members of ethnic minorities in order to assist them in preparing for, or participating in, programs leading to an undergraduate degree in engineering or science from an institution of higher education. Funding shall also have the purpose of disseminating information concerning career opportunities in engineering and science, as well as information about these programs funded in accordance with the requirements of the legislative authority noted previously.

Dates of Project: The state engineering and science recruitment (SENSR) fund project will be implemented during school year 1992-1993. Proposer should plan for a starting date of no earlier than September 1, 1992, and an ending date of no later than August 31, 1993.

Project Amount: For fiscal year 1992-1993 this project will distribute \$400,000, subject to the availability of funds and approval of the commissioner of education. Funding will be provided to eligible nonprofit, tax-exempt, organizations receiving contributions from other sources. Initial funding to eligible organizations shall be allocated in proportion to the percentage of women and underrepresented minority group students/teachers participating in eligible programs, but may not exceed 50% of the amount of other contributions the program received the preceding fiscal year. After all grants have been made, as noted in the primary distribution method specified previously, allocations may be made for the establishment, or continued operation, of eligible programs that have not received any contributions. The total amount budgeted by the contracting project organization for administration must be 11% or less of the total amount budgeted for all selected programs sponsored by that organization. Any monies remaining on January 1 of each year may be allocated to funded organizations in proportion to each organization's calculated share as prescribed previously.

Contributions are defined as gifts, grants, donations, and the market value of in-kind contributions from public and private entities, including the federal government, but excluding state appropriations.

Selection Criteria: Proposals will first be considered based on the ability of each proposer to satisfy all requirements contained in the request for proposal and the eligible proposer criteria specified previously.

Preference should be given to programs that stress the development of mathematical and scientific competence. Programs in the social sciences (i.e. Psychology, Sociology, etc.) will not be considered under this funding appropriation. TEA reserves the right to select from the highest ranking proposals those which are serving the most participants of women and underrepresented minority group members in the objectives specified.

Other program quality indicators are specified throughout the request for proposal. To be approved for funding, programs offered by eligible organizations must meet certain guidelines. Each program must: use professional volunteers at each level of instruction; require parental involvement; coordinate with public school preparation for scientific and mathematical careers; coordinate with postsecondary educational institutions; involve organiza-

tions of women and minority group members; provide demonstrated professional leadership in educational activities for women and minority group members; and be compatible with the state and federal laws governing education.

Requesting the Proposal: A copy of the complete request for proposal may be obtained by writing or calling the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or call (512) 463-9304. Please refer to RFP #701-92-041 in your request.

Further Information: For clarifying information about this request, contact Dr. Philip Gehring, Executive Assistant to the Associate Commissioner for Curriculum and Assessment, Texas Education Agency, (512) 463-9823.

Deadline for Receipt of Proposals: The deadline for submitting a proposal is 5 p.m., Monday, August 10, 1992.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208719 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: June 24, 1992

For further information, please call: (512) 463-9701

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Texas Employment Commission Consultant Contract Amendment

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Employment Commission (TEC) announces a Consultant Contract Amendment as follows.

The Texas Employment Commission is amending the Consultant Contract it has with Andersen Consulting, which it originally entered into through a competitive bid process on December 11, 1990.

Under this contract, Andersen Consulting is to assist Texas Employment Commission with implementation of a redesigned Unemployment Insurance Tax System.

The original contract will be amended to increase the maximum amount payable by \$34,000 to \$5,390,700. The period of service continues to extend through January 31, 1993.

For further information contact Michael Fernandez, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778, (512) 463-3031.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208654 J. Farris Duhon
Legal Counsel
Texas Employment Commission

Filed: June 22, 1992

For further information, please call: (512) 463-2291

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Texas Ethics Commission Notice for State Agencies to Appoint Ethics Advisors

The Texas Ethics Commission is required by law to provide ethics training to all state employees. In order to most

efficiently fulfill this obligation, the Ethics Commission requests that each state agency appoint an ethics advisor by July 6, 1992. The ethics advisor will act as the agency's liaison to the Ethics Commission, will attend ethics training seminars provided by the commission, and will ultimately provide ethics training to the agency's employees.

The Texas Ethics Commission is required by Texas Civil Statutes, Article 6252-9d.1, §1.11(a)(6), to provide a program of ethics training for state employees in cooperation with state agencies.

Ethics advisor appointments should be sent to Pamela Young, Assistant General Counsel, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, or call (512) 463-5800.

Issued in Austin, Texas, on June 23, 1992.

TRD-9208713 John Steiner
Executive Director
Texas Ethics Commission

Filed: June 24, 1992

For further information, please call: (512) 463-5800

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Texas Feed and Fertilizer Control Service

Correction of Error

The Texas Feed and Fertilizer Control Service adopted amendments to 4 TAC §61.21 and §61.22, concerning labeling. The rules were printed in the June 12, 1992, *Texas Register* (17 TexReg 4250).

Due to a typographical error by the agency, in the third paragraph of the preamble the word "expand" was misspelled as "expend". The sentence should read as follows. "The amendments delete prohibition of negative labeling, delineate conditions under which declaration of contents can be made in the ingredient statement, set forth requirements for determining net weights, expand methods allowed for statement of minerals,..."

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Texas Department of Health Designation of Sites Serving Medically Underserved Populations

The Department of Health is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving medically underserved populations: Texas College of Osteopathic Medicine's Northside Community Partnership Primary Care Family Practice Clinic, 1851 North Harrington, Fort Worth, Texas 76106. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state, or locally funded health care programs.

Oral and written comments on the designations may be directed to Carol Daniels, Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512)

458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on June 22, 1992

TRD-9208635 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: June 22, 1992

For further information, please call: (512) 458-7261

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Texas Department of Human Services
Notice of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for the following programs: Nursing Facilities, including Swingbed, Hospice and the Bienvivir Waiver; and the Pediatric Care Nursing Facilities.

The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement rates for medical assistance programs.

The public hearing will be held on July 10, 1992, at 9 a.m. in Room 460W on the fourth floor of the West Tower of the John H. Winters Center (701 West 51st Street, Austin). Interested parties may request to have mailed to them or may pick up a briefing package concerning the proposed reimbursement rates on or after June 26, 1992 by contacting Kathy E. Hall, MC E-601, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702.

Issued in Austin, Texas, on June 24, 1992.

TRD-9208718 Nancy Murphy
Agency Liaison, Policy and Document
Support Department
Texas Department of Human Services

Filed: June 24, 1992

For further information, please call: (512) 450-3765

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Texas Board of Examiners of
Psychologists
Correction of Error

The Texas State Board of Examiners of Psychologists proposed new 22 TAC §463.30, concerning jurisprudence examination for applications for certification and licensure by reciprocity. The rule was printed in the June 19, 1992, *Texas Register* (17 TexReg 4421).

Due to an error in the agency's submission and a proofreading error by the *Texas Register* the rule was published under §465.32 in the preamble heading and under §463.32 in the section heading. The correct section number for the proposal is §463.30.

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Public Utility Commission of Texas
Notice of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on June 12,

1992, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 50, 52, and 54. A summary of the application follows.

Docket and Title Number. Application of Central Telephone Company of Texas to amend certificate of convenience and necessity within Lampasas County, Docket Number 11243, before the Public Utility Commission of Texas.

The Application. In Docket Number 11243, Central Telephone Company of Texas seeks approval of its application to amend the exchange area boundary between its Kempner exchange and Southwestern Bell Telephone Company's Lampasas exchange to allow an entire subdivision, currently under construction, to be served by a single telephone company.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before August 4, 1992.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208694 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 23, 1992

For further information, please call: (512) 458-0100

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Notices of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of Fort Worth, Fort Worth.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Fort Worth Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11249.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the City of Fort Worth. The geographic service market for this specific service is the Fort Worth area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas, on June 16, 1992.

TRD-9208643 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 22, 1992

For further information, please call: (512) 458-0100

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific CentraNet service for Angelo State University, San Angelo.

Tariff Title and Number. Application of GTE Southwest Incorporated for approval of CentraNet Service for Angelo State University Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11260.

The Application. GTE Southwest Incorporated is requesting approval of CentraNet for Angelo State University. The geographic service market for this specific service is the San Angelo area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208692 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 23, 1992

For further information, please call: (512) 458-0100

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for 3M, Austin.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of Plexar-Custom Service for 3M Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11261.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for 3M. The geographic service market for this specific service is the Austin area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas, on June 22, 1992.

TRD-9208693 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 23, 1992

For further information, please call: (512) 458-0100

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Texas Water Commission

Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its

decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Health Images, Inc. (No Permit) on June 16, 1992, assessing \$3,000 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 19, 1992.

TRD-9208710 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: June 24, 1992

For further information, please call: (512) 463-7898

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Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 15, 1992-June 19, 1992.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain: the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Town of Bailey; the wastewater treatment facility; the plant site is 900 feet west of FM Highway 816 and 3,000 feet southwest of the intersection of FM Highway 816 and State Highway 11 in Fannin County; new; 13584-01.

City of Bonham Municipal Water Authority; the water treatment plant; the plant site is north of the City of Bonham on Lake Bonham just west of FM Road 898, approximately two miles north of the intersection of FM 898 and State Highway 78 in Fannin County; renewal; 11172.

City of Como; the wastewater treatment facilities; are on the west side of Carroll Creek, approximately 2,400 feet west of the intersection of FM Road 69 and State Highway 11 in Hopkins County; renewal; 11313-01.

City of Copperas Cove; the South Wastewater Treatment Plant; the plant site is approximately 1.5 miles south of the City of Copperas Cove, 2,500 feet south of the intersection of FM Road 3046 and FM Road 116, and 0.2 of a mile east of FM Road 3046 in Coryell County; renewal; 10045-03.

DBC Utilities, Inc.; the Willowridge Estates Wastewater Treatment Facilities; are adjacent to and east of LaSalle Drive approximately 1/2 mile northwest of the intersection of LaSalle Drive and State Highway 105 in Montgomery County; renewal; 13465-01.

E.I. Du Pont de Nemours and Company; its La Porte Chemicals Manufacturing Plant; the plant site is at 12501 Strang Road in the City of La Porte, Harris County; renewal; 00474.

Le Roy J. Everett; the wastewater treatment facilities; 1,800 feet east of State Highway 146 and approximately 500 feet north of Horsepen Bayou in Chambers County; renewal; 10990-01.

Fallbrook Utility District; the wastewater treatment facilities; are north of Halls Bayou, approximately 1.0 mile west of U.S. Highway 75, 1,300 feet south of the West Road, and 2,800 feet east of Stuebner-Airline Road in Harris County; amendment; 10919-01.

Fort Bend County Water Control and Improvement District Number 2; the Wastewater Treatment Plant Number 2; the plant site is approximately 3,300 feet southeast of the intersection of Craven Road and U.S. Highway 90 in Fort Bend County; renewal; 10086-02.

City of Houston; the Beltway Wastewater Treatment Facilities; the plant site is approximately 1,700 feet north of Bellaire Boulevard and 3,400 feet west of Roark Road in the City of Houston in Harris County; renewal; 10495-116.

KBM Investments; the wastewater treatment facilities; are approximately 200 feet south of the intersection of Interstate Highway 10 and Haden Road in Harris County; renewal; 12311-01.

City of Mart; the wastewater treatment facilities; is on the west side of the City of Mart, approximately 2,000 feet south of State Highway 164 and 1,500 feet east of FM Road 1860 in McLennan County; renewal; 10645-01.

City of Murchison; the wastewater treatment facilities; the plant site is approximately 2,000 feet north of State Highway 31 and approximately 2,200 feet east of FM Road 773 in Henderson County; renewal; 11816-01.

Pettus Municipal Utility District; the wastewater treatment facilities; are approximately 1,400 feet west of U.S. Highway 1891 and 2,400 feet south of FM 623, in Bee County; renewal; 10748-01.

City of Richland Springs; the wastewater treatment facilities; the plant site is adjacent to the north bank of Richland Creek, approximately 0.3 of a mile east of FM Road 45 and 0.6 of a mile northeast of the intersection of FM 45 and U.S. Highway 190 in San Saba County; renewal; 10665-01.

RLG Realty Holdings, Limited; the wastewater treatment plant site is to be approximately 6,050 feet southeast of the intersection of Interstate Highway 10 and Pin Oak Road in Fort Bend County; renewal; 13218-01.

Trophy Club Municipal Utility District; the wastewater treatment plant; is approximately 0.9 miles north of the

intersection of FM Road 114 and Trophy Club Drive, approximately 2.5 miles east of the intersection of U.S. Highway 377 and FM Road 114 in Denton County; renewal; 11593-01.

Young Men's Christian Association of the Greater Houston Area; the Camp Cullen Wastewater Treatment Facilities; are approximately 1,000 feet north of FM Road 356, 4.5 miles east of State Highway 19 and 5.0 miles southeast of the intersection of State Highway 19, and FM Road 230 in Trinity County; renewal; 11644-01.

Issued in Austin, Texas, on June 19, 1992.

TRD-9208711 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: June 24, 1992

For further information, please call: (512) 463-7898

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**Notice of Receipt of Applications for
Municipal Solid Waste Permits**

Attached are Notices of Receipt of Applications and Declaration of Administrative Completeness for municipal solid waste permits issued during the period of June 15-19, 1992.

These applications have been determined to be administratively complete, and will not be subject to a technical evaluation by staff of the Texas Water Commission. Persons should be advised that these applications are subject to change based on such evaluation.

These notices are issued pursuant to the Texas Health and Safety Code, §366.0665. Any person who may be affected by the facility is entitled to request a hearing from the commission. The commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

Information concerning these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 463-7898.

Madden Road Landfill Limited Partnership; Type I municipal solid waste landfill; approximately seven miles north-east of Richmond (US 90A and FM 762), five miles west-northwest of Sugarland (FM 1876 and Alston Road), three miles southeast of the intersection of FM 1093 and FM 1464; and on Madden Road, approximately 2,800 feet east of Halem Road and approximately 5,700 feet west of FM 1464 in Fort Bend County; amendment; MSW2110.

Laidlaw Waste Systems, Inc.; Type I municipal solid waste landfill; at the east end of Elliott Reeder Road, approximately 800 feet east of the intersection of Elliott Reeder Road and Carson Street, and approximately 2.5 miles north west of the intersection of IH 35 and US 820, in the City of Fort Worth, Tarrant County; new; MSW2145.

Issued in Austin, Texas, on June 19, 1992.

TRD-9208840 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: June 22, 1992

For further information, please call: (512) 463-7898

1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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