

minimum standards in tender offers by deleting a requirement that natural persons who are offerors in tender offers subject to §129.8 (.500) must file audited financial statements with the Securities Board. Instead, natural persons who are offerors must disclose only such financial information concerning themselves as would be material to a shareholder of the target complaint in deciding whether to sell the shareholder's securities to the offeror. In addition, two obsolete references to form numbers in the introduction to §129.8 (.500) are proposed to be updated.

The staff of the Securities Board has determined that this proposed amendment will have no fiscal implications for the state or for any unit of local government.

Public comment on this proposed amendment is invited, and written comments may be mailed to Sue B. Roberts, State Securities Board, P.O. Box 13167, Austin, Texas 78711.

This amendment to §129.8 (.500) is proposed pursuant to Sections 22, 23, and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§129.8 (065.15.00.500). Disclosure Standards. A sworn statement on forms prescribed by the commissioner shall be filed with the commissioner no less than 21 days, at least 15 of which are business days of the agency, prior to making the tender offer by an offeror who, no later than the date of filing, shall send a copy of such statement by certified or registered mail, return receipt requested, to the target company as its principal executive offices. The disclosure required by this section may be made on Form **133.26 (065.91.00.090)** [065.90.00.090] or on SEC Schedule 14D-1 with said schedule's required attachments and Texas Supplemental Form **133.27 (065.91.00.091)** [065.90.00.091]. As used in this section, the term "offeror" as defined in §129.2(5) (.200(5)) is restricted to mean only the entity making the tender offer (which may be a natural person). Such statement shall be accompanied by a consent of the offeror to service of process as provided in Section 8 of the Securities Act and shall contain at least the following information:

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

(5) Complete information on the organization and operations of the offeror including, without limitation, the year of organization, form of organization, jurisdiction in which it is organized, and a description of its capital structure including its long-term and short-term debt. **Where the offeror is other than a natural person, the offeror must furnish** [and] certified financial statements for the most recent fiscal year, audited by independent certified public accountants or independent public accountants, containing a balance sheet and related statements of income, changes in stockholders' equity and changes in financial position. If the statements above are as of a date more than 90 days prior to the filing date, interim statements as of a date within 90 days of such date must also be filed. Such interim financial statements need not be audited but must be prepared in accordance with generally accepted accounting principles applied on a basis consistent with those used in the most recent audited financial statements. **Offerors who are natural persons must disclose any financial statement or information concerning themselves which would, to the best of the offeror's knowledge and belief, be material to a decision by a security holder of the target whether to tender securities being sought by the offeror.** [Natural persons must file audited financial statements prepared by an inde-

pendent certified public accountant or independent public accountant in accordance with generally accepted accounting principles and dated within 90 days of the filing.] Also required is a brief description of the location and general character of the principal physical properties of the offeror, a brief description of the business done by the offeror and its affiliates and associates, and the general development of such business over the past five years. Further, the filing must include the names of the directors and executive officers of the offeror and of its affiliates and associates, together with biographical summaries of each for the preceding five years to date and the nature and amount of any material interest, direct or indirect, of any of such directors or executive officers in any material transactions, in which the offeror and/or its affiliates or associates was or is to be a party. Executive officers, directors, and 10% and greater securities holders of corporate offerors and persons holding similar positions in unincorporated entities making a tender offer are not required to file financial statements as part of an initial filing. Such financial information on any such person or company will be required to be filed by the commissioner only when such information appears to him to be a material disclosure to a specific tender offer.

Issued in Austin, Texas, on March 18, 1980.

Doc. No. 802330 Richard D. Latham
Securities Commissioner
State Securities Board

Proposed Date of Adoption: June 6, 1980
For further information, please call (512) 475-4561.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

(Editor's note: Lengthy new sections and amendments and repeals to existing sections recently proposed by the Texas Air Control Board in its chapters of rules and regulations entitled General, Procedural, Particulates, Volatile Organic Compounds, and Permits are being published serially. The first two groups of rules appeared in the March 25 and March 28 issues and continue consecutively in this issue. The Proposed Rule section of the March 25 issue listed the subchapter titles and section numbers within each of the above chapters affected by this action. The proposed date of adoption for the serialized proposals is after public hearing by the Texas Air Control Board. Sections 115.132, .172-.176, .191, .192, .194, .201, and .201-.203 of the chapter concerning volatile organic compounds appear in this issue.)

The Texas Air Control Board proposes to amend 14 sections and add one section within the existing subchapters of Regulation V (Chapter 115, Volatile Organic Compounds) and proposes to add six new subchapters to it. In addition to these substantive changes for the control of air pollution from volatile organic compounds (VOC), administrative, repeal is proposed for three existing chapters having a general nature, so that they can be re-established (essentially as now worded) in a permanent position at the end of Regulation V (Chapter 115).

These changes, in addition to the revisions adopted March 30, 1979, are in support of the control strategy for ozone nonattainment areas and are required to secure federal approval of the state implementation plan (SIP) as prepared and submitted by the state in response to 1977 amendments to the Federal Clean Air Act. The proposals directly respond to the U.S. Environmental Protection Agency's (EPA's) comments and proposed action on SIP approval for Texas published in the *Federal Register* on August 1, 1979.

The ozone plan addresses six urban ozone nonattainment areas (Bexar, Dallas, El Paso, Harris, Nueces, and Tarrant Counties) and six rural ozone nonattainment areas (Brazoria, Galveston, Gregg, Jefferson, Orange, and Victoria Counties). Ector County previously was included in the plan, but ambient measurements indicate that the ozone standard has not been violated during the last three years; therefore, the TACB has acted to request that it officially be redesignated to "attainment" status.

The plan demonstrates that the national ambient air quality standard for ozone will be attained by December 31, 1982, in each of these 12 areas except Harris County, where EPA on December 18, 1979, granted an extension until December 31, 1987. Although demonstrations of attainment have previously been made for all areas except Harris County, EPA has indicated that its approval of the Texas ozone SIP for these areas will be conditioned on the TACB's adoption of additional rules for the control of volatile organic compounds in accordance with guidelines issued by that agency in 1978.

The proposed section changes in Regulation V (Chapter 115) are of three categories: changes to existing sections to comply with EPA's "5.0% rule," section additions required by EPA's control technique guidelines (CTGs) issued in 1978, and section relocations needed to maintain a consistent format using the new Texas Administrative Code (TAC) section numbers assigned by the secretary of state in 1979. Each of these categories are described in more detail below.

First, revisions to sections in the subchapter on specified solvent-using processes are proposed in order to conform to EPA's "5.0% rule" that requires a state's VOC regulations, when adopted in response to an EPA CTG, to produce emission reductions so that allowable emissions after control will be within 5.0% of an EPA presumptive norm. The TACB has been able to demonstrate compliance with the 5.0% requirement except for the sections pertaining to degreasing and use of cutback asphalt. Amendment to §§115.172-.174 and .176 (131.07.59.102-.104 and .106) will be required to impose more restrictive controls on degreasing (System B), to make plant-wide (rather than process-unit) emissions the basis for exemption from degreasing controls, and to lower the exemption cut-off in Harris County from the present 100 pounds/day level down to a much lower level of three pounds/day. Amendments to §115.175 (.105) are required to extend the limitations on cutback asphalt usage in §115.171 (.101) to all ozone nonattainment counties in which combined VOC emissions from asphalt usage exceed 100 tons per year.

Second, as indicated above, new sections are proposed for nine 1978 CTGs. Six CTGs are being added as new subchapters: §§115.201-.203 for graphic arts processes, §§115.211-213 for tire manufacturing, §§115.221-.223 for perchloroethylene dry cleaning, §§115.231-.237 for synthetic pharmaceutical manufacturing, §§115.251-.255 for

refinery fugitive emissions, and §§115.261-.265 for gasoline tank trucks and vapor collection systems. In relation to the last topic, three section amendments are proposed for clarification elsewhere with regard to gasoline loading and unloading: §§115.111 (131.07.52.101), 115.121 (131.07.53.101), and 115.132 (131.07.54.102).

The requirements for the remaining three CTGs are being incorporated in existing subchapters because of their relationship to the subject matter there. The two new CTGs for surface-coating processes (flatwood paneling and miscellaneous metal parts and products) are included by revising §§115.191, .192, and .194 (131.07.60.101, .102, and .104). The new CTG for external floating roof tanks will be included by incorporating a new section on double seals, §115.103 (131.07.51.103), which will be assigned a new TAC section number, as discussed below; associated amendments to the subchapter's other four sections (131.07.51.101, .102, .104, and .105) are also required.

Third, an adequate consistency among the substantive content calls for some relocation of sections and subchapters, accomplished by reassigning several section numbers published in Title 31 of the *Texas Administrative Code* (October 1979). Two kinds of reassignment are proposed for insuring that general items (concerning exemptions and compliance) are maintained in a terminal position. Within the subchapter on floating roof tanks, the entire new section for double seals (above), if adopted, would be added prior to the subchapter's two terminal sections governing exemptions and compliance, §§115.103 and 115.104 (131.07.51.104 and .105). The board proposes to increase by one the TAC section numbers of these last two sections to match the existing section numbers and thereby release §115.103 for the new section. Sections 115.101-115.105 as revised would therefore correspond to the sequence of *Texas Register* Rules 131.07.51.101-.105, after the gap there is closed by the section addition.

Similarly, within Regulation V (Chapter 115) as a whole, the final three subchapters are general in type and would always remain in a terminal position during this and future section changes. To release §§115.201-.224 for the six new subchapters (above) and later additions, all of which follow the final existing subchapter (131.07.60) that deals with specific controls, the board proposes repealing §§115.201 (131.07.61.101), 115.211-115.213 (131.07.62.101-.103), and 115.221-115.224 (131.07.63.101-.104) and proposes re-establishing them as §§115.401, 115.411-115.413, and 115.421-115.424.

This repeal action is the necessary administrative procedure for changing the existing *Texas Register* numbers and insuring that the gap in TAC numbers will be maintained in the future. The only substantive proposed change in these relocated sections is the removal (in §115.411) of methyl chloroform from the compounds now exempted in §115.211 (131.07.62.101). Persons wishing to comment on exemption status of this compound as well as methylene chloride should refer to discussion of this issue in a notice published by TACB in the *Texas Register*, March 4, 1980.

Anticipated fiscal impacts of these proposed changes to Regulation V (Chapter 115) are shown in the table below. The TACB will enforce the proposed new sections within the current limits of expected availability of resources, however,

local air pollution control agencies have indicated additional personnel needs. Additional resources required:

	1981	1982	1983	1984	1985
State Agency	0	0	0	0	0
Local Agencies	0	\$56,600	\$105,500	\$154,000	\$178,000

The estimates for local enforcement were obtained from air pollution control officials of the following local governments: Houston, El Paso (city-county), Dallas, Fort Worth, San Antonio, Galveston County, and Corpus Christi (city-county).

Copies of the proposed changes are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and all Texas Air Control Board regional offices.

The Texas Air Control Board has scheduled public hearings on these amendments, additions, and administrative repeals (as well as on other SIP changes published elsewhere) at the following times and places:

April 22, 1980, 7 p.m.
Jefferson County Courthouse
Criminal Courtroom, second floor
1149 Pearl Street
Beaumont

April 22, 1980, 7 p.m.
City Council Chambers
New City Hall
2 Civic Center Plaza
El Paso

April 23, 1980, 7 p.m.
Albert Pick Motor Inn
Ballroom
3301 Southwest Freeway
Houston

April 23, 1980, 6-8:45 p.m.
Arlington Public Library
101 East Abram
Arlington

April 24, 1980, 7 p.m.
Brownsville City Hall
Market Square
Brownsville

April 24, 1980, 7 p.m.
Corpus Christi-Nueces County Health Department
1702 Horne Road
Corpus Christi

Public comments on the proposed changes are invited at the hearings, both oral and written. Written testimony submitted by May 2, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 15 copies of testimony prior to the hearings where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

Chapter 115. Volatile Organic Compounds Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities in Bexar, Brazoria, Dallas, Galveston, Harris, and Tarrant Counties

These section changes are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.132 (131.07.54.102). Approved Vapor Balance System. When a vapor balance system is used to comply with the preceding §115.131 (.101), the balance system will be assumed to meet the specified emission limitations if the following conditions are met:

(1) that a vapor-tight return line is connected before gasoline can be transferred into the storage container;

(2) that no gasoline leaks exist anywhere in the liquid transfer system;

(3) that the vapor return line's cross sectional area is at least one-half of the product drop line's cross sectional area;

(4) that the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped either with an orifice of 1/2- to 3/4-inch internal diameter or a pressure-vacuum relief valve set to open at a pressure of eight ounces per square inch; and

(5) that the delivery vessel is kept vapor-tight at all times (except when gauging) until the captured vapors are discharged to a loading facility with vapor recovery equipment, if the delivery vessel is refilled in one of the counties listed in §115.135 (.105).

For the purpose of this section, vapor-tightness is defined by compliance with §§115.261-115.265 of this regulation.

Doc. No. 802129

Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These section changes are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.172 (131.07.59.102). Cold Solvent Cleaning (As Defined under Specified Solvent-Using Processes in the General Rules).

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the cold cleaning of objects without *the following control equipment:* a cover, a cleaned-parts drainage facility, and a permanent, conspicuous label which summarizes the operating requirements.

(1) *A cover shall be provided for all cold cleaners. The cover shall be designed for easy one-hand operation if any one of the following exist:*

(A) *the solvent vapor pressure is greater than 0.3 psia (2 kPa) as measured at 100°F (38°C);*

(B) *the solvent is agitated; or*

(C) *the solvent is heated.*

(2) *A cleaned-parts drainage facility shall be provided for all cold cleaners. If the solvent vapor pressure is greater than 0.6 psia (4.1 kPa) as measured at 100°F (38°C), the drainage facility must be internal for enclosed draining under the cover. The drainage facility may be*

ernal for applications where an internal type cannot into the cleaning system.

(3) A permanent and conspicuous label summarizing the operating requirements in Subsection 2(b) of this section.

(4) If a solvent spray is used, it must be a solid or liquid stream (not a fine, atomized or shower-type spray) applied at a pressure which will not cause excessive splash-

(5) One of the following major control devices is required if the solvent vapor pressure is greater than 0.6 kPa (4.1 kPa), as measured at 100°F (38°C), or if the solvent is heated above 120°F (49°C):

(A) a freeboard ratio (the freeboard height divided by the degreaser width) equal to or greater than 1.0

(B) a water cover (solvent must be insoluble in water heavier than water).

(6) An alternate control system with a control efficiency which is equivalent to or better than the control procedures and devices listed above in paragraphs (1)-(5) of this subsection, may be used in place of those procedures and devices.

(b) (No change.)

5.173 (131.07.59.103). *Open-Top Vapor Degreasing (As Defined under Specified Solvent-Using Processes in the General Rules).*

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the open-top vapor cleaning of objects without the following control equipment: (a) a cover that can be opened and closed easily without disturbing the vapor zone.

(1) A cover that can be opened and closed easily without disturbing the vapor zone.

(2) A condenser flow switch and thermostat which shut off sump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendation.

(3) A spray safety switch which will shut off the sump heat if the vapor level drops more than four inches (10 cm).

(4) One of the following major control devices is required:

(A) a freeboard ratio (the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 1.0 and, if the degreaser opening is greater than 10 ft² (0.93 m²), a powered cover;

(B) a properly sized refrigerated chiller;

(C) an enclosed design where the cover or door is closed only when the dry part is actually entering or exiting the degreaser; or

(D) a carbon adsorption system with ventilation equal to or greater than 50 l.c.ft² (15 m³/min per m²) of vapor area (with the cover open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle.

(5) An alternate control system with a control efficiency which is equivalent to or better than the control procedures and devices listed above in paragraphs (1)-(4) of this subsection may be used in place of those procedures and devices.

(6) A permanent, conspicuous label summarizing the operating procedures listed below in subsection (b)(1)-(14) of this section.

(b) No person shall operate or maintain a system using a volatile organic compound for the open-top vapor cleaning of objects without complying with the following operating procedures:

(1) The cover shall be closed at all times except when processing work loads through the degreaser.

(2) Parts shall be positioned so that maximum drainage is obtained.

(3) Parts shall be moved in and out of the degreaser at less than 11 ft/min (3.3 m/min).

(4) The work load shall be degreased in the vapor zone at least 30 seconds or until condensation ceases.

(5) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing it.

(6) Parts shall be allowed to dry within the degreaser freeboard area for at least 15 seconds, or until visually dry.

(7) Porous or absorbent materials, such as cloth, leather, wood, or rope shall not be degreased.

(8) Work loads shall not occupy more than half of the degreaser open-top surface area.

(9) The vapor level shall not drop more than four inches (10 cm) below the bottom condenser coil when the work load enters or is removed from the vapor zone.

(10) Solvent shall not be sprayed above the vapor level.

(11) Solvent leaks shall be repaired immediately, or the degreaser shall be shut down.

(12) Waste solvent shall not be disposed of or transferred to another party such that greater than 20% of the waste (by weight) will evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(13) Exhaust ventilation systems other than those which vent to a major control device shall not exceed 65 cfm per ft² (20 m³/min per m²) of degreaser open area unless necessary to meet Occupational Safety and Health Administration requirements. Ventilation fans or other sources of air agitation shall not be used near the degreaser openings.

(14) Water shall not be visibly detectable in the solvent existing in the water separator.

§115.174 (131.07.59.104). *Conveyorized Degreasing (As Defined under Specified Solvent-Using Processes in the General Rules).* [No person shall operate or maintain a system utilizing a volatile organic compound for the conveyorized cleaning of objects without complying with the following operating procedures:]

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the conveyorized cleaning of objects without the following controls:

(1) One of the following major control devices is required:

(A) a properly sized refrigerated chiller; or,

(B) a carbon adsorption system with ventilation equal to or greater than 50 cft/ft² (15 m³/min per m²) of air/vapor area (when down-time covers are open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle.

(2) Solvent liquid or vapor carry-out shall be prevented by a drying tunnel or other means such as a rotating (tumbling) basket if space is available.

(3) A condenser flow switch and thermostat which will shut off sump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendation.

(4) A spray safety switch which shut off the spray pump if the vapor level drops more than four inches (10 cm).

(5) A vapor level control thermostat which will shut off the sump heat when the vapor level rises above the designed operating level.

(6) Entrances and exits shall silhouette work loads so that the average clearance (between parts and edge of the degreaser opening) is either less than four inches (10 cm) or less than 10% of the width of the opening.

(7) Down-time covers shall be provided for closing off the entrance and exit during shutdown hours.

(8) An alternate control system with a control efficiency which is equivalent to or better than the control procedures and devices listed above in Paragraphs (1)-(7) of this subsection may be used in place of those procedures and devices.

(9) A permanent, conspicuous label summarizing the operating requirements in subsection (b) of this section.

(b) No person shall operate or maintain conveyerized cleaning of objects without complying with the following operating procedures:

(1) Exhaust ventilation systems other than those which vent to a major control device shall not exceed 65 cfm per ft² (20 m³/min per m²) of degreaser opening, unless necessary to meet occupational safety and health requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.

(2) Parts shall be positioned so that maximum drainage is obtained.

(3) Vertical conveyor speed shall be maintained at less than 11 ft/min (3.3 m/min).

(4) Waste solvent shall not be disposed of or transferred to another party such that greater than 20% of the waste (by weight) can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(5) Leaks shall be repaired immediately or the degreaser shall be shut down.

(6) Water shall not be visibly detectable in the solvent exiting the water separator.

(7) Down-time covers shall be placed over entrances and exits of conveyerized degreasers immediately after the conveyor and exhaust are shut down and removed just before they are started up.

§115.175 (131.07.59.105). Compliance Schedule and Counties.

(a) The provisions of §115.171 (.101) shall apply only within Bexar, Brazoria, Dallas, El Paso, Jefferson, Galveston, Harris, Nueces, Orange, and Tarrant Counties [County]. All affected persons shall be in compliance with the section as soon as practicable but no later than December 31, 1982 [1981], and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980 [1979].

(b) The provisions of the second, third, and fourth sections (115.172-115.174) shall apply only within Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris,

Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall be in compliance with these sections as soon as practicable but no later than December 31,

1982 [1981], and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980 [1979].

§115.176 (131.07.59.106). Exemptions.

(a) Degreasing operations located on any property [Any process using volatile organic solvent located] in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant or Victoria County which when combined [has a potential to] can emit when uncontrolled a combined weight of volatile organic compounds less than 550 pounds (249 kg) in any consecutive 24-hour period are [is] exempt from the provisions of the above §§115.172-115.174 (131.07.59.102-.104) of this title.

(b) Degreasing operations located on any property [Any process using volatile organic solvent located] in Harris County which when combined [has a potential to] can emit when uncontrolled a combined weight of volatile organic compounds less than three [100] pounds (1.4 [45] kg) in any consecutive 24-hour period is exempt from the provisions of §§115.172-174 (.102-.104) of this title.

(c) Any conveyerized degreaser with less than 20 ft² (1.9 m²) of air/vapor interface is exempt from the requirement of §115.174(a)(1).

(d) Any open-top degreaser with an open area less than 10 ft² (0.9 m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.173(a)(4)(B) and (D) (.103) of this title, respectively.

(e) All affected persons in Ector County are exempt from the requirements of §§115.172(a), 115.173(a) (.103), and 115.174(a) (.104) of this title.

Doc. No. 802130

Surface Coating Processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These section changes are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.191 (131.07.60.101). Emission Limitations. No person may cause, suffer, allow, or permit volatile organic compound emissions from the surface coating processes (defined in the general rules) affected by paragraphs (1)-(10)(8) of this section to exceed the specific emission limits, which are based on a daily weighted average except for those in paragraph (10) which are based on paneling surface area.

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

(9) Miscellaneous metal parts and products coating (as defined under surface coating processes in the general rules).

(A) Volatile organic compound emissions from the coating (prime and topcoat, or single coat) of miscellaneous metal parts and products shall not exceed the following limits for each surface coating type (as defined under surface coating types in the general rules):

- (i) 4.3 pounds per gallon (0.52 kg/liter) of coating (minus water) applied as a clear coat;
- (ii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water) applied that utilizes air or forced-air driers;
- (iii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water) applied as an extreme performance coating; and
- (iv) 3.0 pounds per gallon (0.36 kg/liter) of coating (minus water) applied for all other coating ap-

plications that pertain to miscellaneous metal parts and products.

(B) If more than one emission limitation in paragraph (9)(a) of this section applies to a specific coating, then the least stringent emission limitation shall be applied.

(10) Factory surface coating of flat wood paneling. The following emission limits shall apply to each product category of factory-finished paneling (regardless of the number of coats applied):

PRODUCT CATEGORY

VOC EMISSION LIMITATION

	<u>LBS OF VOC PER 1000 SQ FT OF COATED SURFACE</u>	<u>KG OF VOC PER 100 SQ METERS OF COATED SURFACE</u>
PRINTED INTERIOR PANELS MADE OF HARDWOOD PLYWOOD AND THIN PARTICLE- BOARD.	<u>6.0</u>	<u>2.9</u>
NATURAL FINISH HARDWOOD.	<u>12.0</u>	<u>5.8</u>
CLASS II HARDBOARD PANEL- ING FINISH.	<u>10.0</u>	<u>4.8</u>

115.192 (131.07.60.102). Compliance Schedule and Counties.

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

(d) All affected persons within the counties listed in subsection (a) of this section (115.192) shall be in compliance with §115.191(9) and (10) (.101) of this title as soon as practicable, but no later than December 31, 1983, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1980.

115.194 (131.07.60.104). Exemptions.

(a) Surface coating operations located at any facility in Tarrant, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which when uncontrolled will has a potential to emit a combined weight of volatile organic compounds less than 550 pounds (249 kg) in any consecutive 24-hour period are exempt from the provisions of §115.191 (.101) of this title.

(b) Surface coating operations located at any facility in Harris County which when uncontrolled will has a potential to emit a combined weight of volatile organic compounds less than 100 pounds (45 kg) in any consecutive 24-hour period are exempt from the provisions of §115.191 (.101) of this title.

(c) (No change.)

(d) The following coating operations are exempt from the application of §115.191(9) (.101) of this title:

- (1) exterior of airplanes;
- (2) automobile refinishing;

(3) customized coating of automobiles and trucks, if production is less than 35 vehicles per day; and

(4) exterior of marine vessels.

(e) The following coating operations are exempt from the application of §115.191(10) (.101) of this title:

- (1) the manufacture of exterior siding;
- (2) tileboard; or

(3) particleboard used as a furniture component.

(f) All affected persons in Ector County are exempt from the requirements of §115.191(9) and (10) (.101) of this title.

Doc. No. 802131

Alternate Means of Control in Ozone Nonattainment Areas

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

This section repeal is proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.201 (131.07.61.101). Procedure.

Doc. No. 802132

Graphic Arts (Printing) by Rotogravure and Flexographic Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

These sections are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

§115.201. Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility (as defined under graphic arts in the general rules) that uses solvent-containing ink unless volatile organic compound emissions are limited by one of the following:

(1) The volatile organic compound fraction of ink, as it is applied to the substrate, contains 25 volume percent or less of organic solvent and 75 volume percent or more of water;

(2) The ink as it is applied to the substrate, less water, contains 60% by volume or more nonvolatile material; or

(3) A carbon adsorption or incineration system is operated to reduce the volatile organic compound emissions from an effective capture system by at least 90 weight percent. The design and operation of the capture system must be consistent with good engineering practice, and shall be required to provide for an overall reduction in volatile organic compound emissions of at least the following: 75% for a publication rotogravure process, 65% for a packaging rotogravure process, or 60% for a flexographic printing process.

§115.202. Exemptions. Any rotogravure or flexographic facility which when uncontrolled emits a combined weight of volatile organic compounds less than 100 tons (90,718 kg) in one year (based on historical ink and solvent usage) is exempt from §115.201.

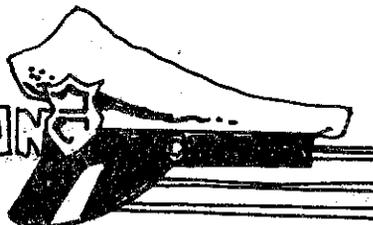
§115.203. Compliance Schedule and Counties. The provisions of §§115.201-115.203 shall apply only within Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties. All affected persons shall be in compliance with these rules as soon as practicable, but no later than December 31, 1983, and shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980.

Issued in Austin, Texas, on March 14, 1980.

Doc. No. 802133 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: after public hearing
For further information, please call (512) 451-5711, ext. 364.

**PUBLIC
PROTECTIONS**



**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

**Part X. Texas Adult Probation
Commission**

Chapter 321. Standards

The Texas Adult Probation Commission proposes to amend §§321.1 and 321.6-321.8 (608.01.00.010, .060, .070, and .080) to conform to lettering changes made in Article 42.12, Texas Code of Criminal Procedure, by the 66th Legislature. The Texas Adult Probation Commission proposes to amend §321.4 (.040) to allow probation departments ample time for planning development.

There are no fiscal implications to these changes (source: Texas Adult Probation Commission staff).

Public comment is invited and should be directed in writing to Don R. Stiles, executive director, 812 San Antonio, Suite 400, Austin, Texas 78701.

These sections are proposed under the authority of Article 42.12, Texas Code of Criminal Procedure.

§321.1 (608.01.00.010). Administration.

(a)-(f) (No change.)

(g) Automobile allowance (Article 41.12, Section 10 (f)(e), (i)(h)). Probation departments should establish an automobile allowance for the use of personal automobiles on official business by authorized department personnel to be paid from judicial district funds. Personal automobile allowance should not be less than the state allowance per mile. Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited. Departments paying flat rate monthly allowances should maintain written documentation within the probation department of business mileage. This documentation should include the officer's name, month, and officer's signature. The form should also contain the date, beginning odometer reading, ending odometer reading, total miles driven, and purpose of trips for each business day. These forms should be available for review by TAPC auditors.

(h) Per diem (Article 42.12, Section 10 (i)(h)). Probation departments should establish per diem allowance for employee expenses at a rate not less than the rate allowed state employees.

(i)-(s) (No change.)

§321.4 (608.01.00.040). Caseloads.

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

(d) Caseload. A caseload average with a department should be calculated by dividing the number of cases under direct supervision by the number of officers within the department devoting 80% or more of their time to direct case supervision. The average caseload of a probation officer should not exceed 200 cases on January 1, 1979; 150 cases on June 1, 1979; 100 cases on January 1, 1982 | 1981.

§321.6 (608.01.00.060). Facilities.

(a) Minimum facilities (Article 42.12, Section 10 (g)(f)). Each probation officer should be provided a private office, or in the alternative a private office should be available to the probation officer for interviewing and counseling. Each office should have the necessary lighting, air conditioning, telephone, furniture, equipment, privacy, and