

ed in several more general source categories, such as graphic arts or surface coating. The control of emissions from these combinations of sources may be very significant even though emissions from a single source may be insignificant. Since attainment cannot be demonstrated in Dallas and Tarrant Counties, all reasonable measures must be implemented to satisfy EPA requirements.

Printpack, Inc., also suggested that TACB was being inconsistent by requiring companies to comply with both general as well as industry-specific regulations. The TACB has always required companies to comply with all applicable regulations unless specifically exempted. Emissions from vent gas controls at graphic arts facilities were included in the emissions inventory and the projected emission reduction computations for each of the affected counties.

The amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act, and to amend any rule or regulation the TACB makes.

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 August 28, 1985.

TRD-857805

Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Effective date: September 18, 1985  
Proposal publication date: March 1, 1985  
For further information, please call  
(512) 451-5711, ext. 354.

★ ★ ★

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

#### ★ 31 TAC §§115.171, 115.175, 115.176

The Texas Air Control Board (TACB) adopts amendments to §115.175 and §115.176, concerning specified solvent-using processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 733). Section 115.171 is adopted without changes and will not be republished.

The amendments to §115.171, concerning cutback asphalt, restructure the section and add subsection (b), which limits the

use of cutback asphalt in Dallas, El Paso, and Tarrant Counties to no more than 7.0% of the total annual volume, averaged over a two-year period. The amendment to §115.175, concerning exemptions, adds subsection (f) to reduce the exemption for volatile organic compound (VOC) emissions from degreasing operations in Dallas and Tarrant Counties from 550 pounds to three pounds in any consecutive 24-hour period after December 31, 1987. The amendments to §115.176, concerning counties and compliance schedule, add a final compliance date of December 31, 1987, and a final control plan submittal date of December 31, 1985, for new control requirements of §115.171(b) that apply to cutback asphalt operations in Dallas, El Paso, and Tarrant Counties and §115.175(f) that apply to degreasing operations in Dallas and Tarrant Counties.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

One commenter, the Environmental Protection Agency (EPA), testified against the proposed amendments to §115.171, and one commenter, the City of Dallas, testified against the proposed amendments to §115.175. No comments were received in favor of either proposal. No comments were received regarding amendments to §115.176.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The EPA expressed concern that the limitation on the use of cutback asphalt proposed in §115.171 was not practically enforceable. The periodic evaluation and enforcement of this regulation should be relatively simple. All state, municipal, and county agencies which use or specify the use of asphalt application maintain detailed records of related operations within their jurisdictions. Inspection of these records can be performed to determine compliance. While the use of cutback asphalt is expected to remain below the regulatory limit due to economic reasons, negotiations with affected agencies should be sufficient to correct any future problems.

The City of Dallas expressed a similar concern that the more restrictive controls on small degreasing operations resulting from the proposed amendments to §115.175 may also be difficult to enforce at existing sources. The commenter recommended increasing the exemption lev-

el for open top vapor degreasing operations from three pounds per day to 60 pounds per day. The proposed section should not require extensive changes to operating equipment or procedures at most existing small facilities. Many of the procedures outlined in the section have already been implemented by some of these businesses for economic reasons, and the economic advantage of following prescribed procedures should make routine inspections unnecessary. Since an attainment demonstration is not possible for Dallas and Tarrant Counties, all reasonable control measures, including solvent-use control, must be implemented to satisfy EPA requirements. In El Paso County, however, while these controls remain economically reasonable, they are not required to demonstrate attainment, and the proposed degreasing controls are not included in this adoption.

The amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

#### §115.175. Exemptions.

(a)-(e) (No change.)

(f) After December 31, 1987, only those degreasing operations located on any property in Dallas and Tarrant Counties which, when combined, would emit, when uncontrolled, a combined weight of volatile organic compounds less than three pounds (1.4 kg) in any consecutive 24-hour period shall be exempt from the provisions of §115.172 of this title (relating to Cold Solvent Cleaning), §115.173 of this title (relating to Open-Top Vapor Degreasing), and §115.174 of this title (relating to Conveyorized Degreasing).

#### §115.176. Counties and Compliance Schedule.

(a) The provisions of §115.171 of this title (relating to Cutback Asphalt) shall apply only within Brazoria, Dallas, El Paso, Jefferson, Galveston, Harris, Nueces, Orange, and Tarrant Counties. All persons affected by §115.171(a) shall submit a final control plan to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1982. All persons affected by §115.171(b) shall also submit a supplemental final control plan to the Texas Air Control Board no later than December 31, 1985, and shall be in compliance with the rule as soon as practicable but no later than December 31, 1987.

(b) (No change.)

(c) The provisions of §115.175(f) of this title (relating to Exemptions) shall supercede and delete the provisions of §115.175(a) in Dallas and Tarrant Counties

after December 31, 1987. All persons in Dallas and Tarrant Counties affected by §115.175(f) shall submit a final control plan for compliance by December 31, 1985, and shall be in compliance as soon as practicable but no later than December 31, 1987.

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 August 28, 1985.

TRD-857806 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Effective date: September 18, 1985  
Proposal publication date: March 1, 1985  
For further information, please call  
(512) 451-5711, ext. 354.

★ ★ ★

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

#### ★ 31 TAC §§115.191, 115.193, 115.194

The Texas Air Control Board (TACB) adopts amendments to §§115.191, 115.193, and 115.194, concerning surface coating processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, with changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 734).

The amendment to §115.191, concerning emission limitations, adds a clause (v) to paragraph (9)(A) which limits the volatile organic compound (VOC) content of coatings applied as a prime coat to the exterior of aircraft to 3.5 pounds per gallon (minus water) in Dallas and Tarrant Counties.

Consistent with the amendment to §115.191, one of the amendments to §115.193, concerning exemptions, revises the list of exemptions under subsection (c) for coating the exterior of aircraft and clarifies the exemption for customized top coatings of automobiles and trucks to indicate that the word "customized" means the addition of decorative detail on top of the top coat. Another amendment to §115.193 adds a new subsection (e) to reduce the exemption limit for surface coating operations located in Dallas and Tarrant Counties from 550 pounds to 100 pounds in any consecutive 24-hour period.

The amendment to §115.194, concerning compliance schedule and counties, adds subsection (e) to require compliance with §115.191(9)(A)(v) no later than December 31, 1987, and to submit a control plan by December 31, 1985.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as for the proposal.

Eight commenters, General Dynamics, the City of Dallas, Arco Chemical Company, Phillips Petroleum Company, LTV Aerospace and Defense Company, DeSoto Inc., Environmental Protection Agency (EPA), and Bell Helicopter Textron, testified against the proposed amendments to §115.191. No comments were received in favor of the proposal. No comments were received regarding the amendments to §115.193 and §115.194.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection at the TACB office, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The LTV Aerospace and Defense Company and Phillips Petroleum Company questioned the technical feasibility of complying with the VOC limitations proposed in §115.191(9)(A)(v) for prime coats on the exterior of aircraft in Dallas and Tarrant Counties. Primary concerns included adhesion of top coat; resistance to hydraulic fluids and engine oils; cracking associated with use of chlorinated solvents; loss of structural strength due to pitting; and potential health hazards of using alternate solvents or additives.

General Dynamics, the City of Dallas, and DeSoto, Inc., also expressed concerns that compliant prime coats would not satisfy some military specifications. Compliant prime coatings have been tested and approved for use on civilian and military aircraft, and at least one manufacturer is currently marketing a suitable product. No documentation of problems regarding adhesion, resistance to hydraulic fluids or oils, pitting or cracking, or workplace health hazards was submitted. Compliant primers have been authorized by the military and are currently being tested and used on military aircraft at various locations. The section requires each affected facility to submit a control plan by December 31, 1985, but does not require final compliance until December 31, 1987. This provides two years to address any technical difficulties, obtain necessary military approvals, and renegotiate existing contracts. In addition, two years is available for the manufacturer to increase production and, if necessary, for other manufacturers to enter the market.

General Dynamics also objected to the use of low VOC prime coatings at its facility in Tarrant County since it would result in a reduction of only two tons of

VOC per year. The three sources in Tarrant County affected by these amendments reported emissions which would be reduced by 37 tons per year by 1987. If subsequent changes have occurred in the operation and equipment at the facilities to reduce the VOC content of prime coatings, then the cost of complying with the sections should be correspondingly reduced.

The City of Dallas, commenting on the proposed amendment to §115.191(8)(C), stated that the three pounds per gallon emission limitation for automobile refinishing in Dallas, Tarrant, and El Paso Counties is unreasonable and recommended an alternate limitation of 100 pounds per day. In assessing the advisability of this approach, various coating manufacturers were consulted. Additional information was received indicating that control of automobile refinishing is technically and economically impractical, because low VOC coatings are not currently available to small businesses which would be affected. Alternative coatings do not have many of the necessary physical properties and cannot be used without sophisticated application systems which are too expensive for most auto refinishing operations. Therefore, the proposed amendment to §115.191 (8) has been deleted from the final adoption.

The EPA commented that most provisions of §115.191 do not provide for "appropriate averaging timeframes." The first paragraph of §115.191, however, requires all emission limits to be based on daily weighted averages except where otherwise specified.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09 (a), which provide the TACB with the authority to make rules and regulations consistent with the intent and purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

**§115.191. Emission Limitations.** No person may cause, suffer, allow, or permit volatile organic compound emissions from the surface coating processes (defined in §101.1 of this title (relating to Definitions)) affected by paragraphs (1)-(10) of this section to exceed the specified emission limits, which are based on a daily weighted average, except for those in paragraph (8) of this section, as detailed, and for those in paragraph (10) of this section which are based on paneling surface area.

(1)-(7) (No change.)

(8) Automobile and light-duty truck coating.

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

(9) Miscellaneous metal parts and products coating.

(A) Volatile organic compound emissions from the coating (prime and top-coat, or single coat) of miscellaneous metal parts and products shall not exceed the following limits for each surface coating type: