

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

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For further information, please call
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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:

- (i)-(ii) (No change.)
 - (iii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water) applied as an extreme performance coating;
 - b(iv) 3.0 pounds per gallon (0.36 kg/liter) of coating (minus water) applied for all other coating applications that pertain to miscellaneous metal parts and products; and
 - (v) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water) applied as a prime coat for the exterior of aircraft in Dallas and Tarrant Counties.
- (B)-(C) (No change.)
- (10) (No change.)

§115.193. Exemptions.

- (a)-(b) (No change.)
- (c) The following coating operations are exempt from the application of §115.191(9) of this title (relating to Emission Limitations):
 - (1) exterior of aircraft except as required by §115.191(9)(A)(v) of this title (relating to Emission Limitations);
 - (2) automobile refinishing;
 - (3) customized (decorative) top coating of automobiles and trucks, if production is less than 35 vehicles per day;
- (4)-(6) (No change.)
- (d) (No change.)
- (e) After December 31, 1987, in Dallas and Tarrant Counties, only those surface coating operations, which when uncontrolled will emit a combined weight of volatile organic compounds less than 100 pounds (45.4 kg) in any consecutive 24-hour period, except aircraft exterior prime coating controlled by §115.191(9)(A)(v), shall be exempt from the provisions of §115.191 of this title (relating to Emission Limitations).

§115.194. Compliance Schedule and Counties.

- (a) All affected persons within Brazoria, Dallas, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with §§115.191-115.194 of this title (relating to Surface Coating Processes in Brazoria, Dallas, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties), except for §115.191(7)(B), (8)(B), and (9)(A)(v) of this title (relating to Emission Limitations), as soon as practicable but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.
 - (b)-(d) (No change.)
 - (e) All affected persons in Dallas, El Paso, and Tarrant Counties shall be in compliance with §115.191(9)(A)(v) of this title (relating to Emission Limitations) as soon as practicable but no later than December 31, 1987, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1985.
- 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-857807 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

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Perchloroethylene Dry Cleaning Systems in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

★ 31 TAC §115.223

The Texas Air Control Board (TACB) adopts an amendment to §115.223, concerning perchloroethylene dry cleaning systems 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 735).

The amendment to §115.223, concerning emission schedule and counties, restructures the section and adds subsection (b) which eliminates the current exemption specified in §115.222(c), concerning exemptions, for any perchloroethylene dry cleaning facility located in Dallas and Tarrant Counties. The subsection requires affected persons to submit a control plan for compliance with §115.221, concerning control requirements, by December 31, 1985, and to be in compliance with the section no later than December 31, 1987.

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 suggests any changes in the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Two commenters, the City of Dallas and Brandt Mannchen, testified against the proposed amendments to §115.223. No comments were received in favor of the proposal.

A complete summary 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 City of Dallas stated that proposed removal of the exemption for perchloroethylene dry cleaners which emit less than 550 pounds of volatile organic compounds (VOC) in 24 hours is impractical. The commenter stated that the emission reductions from the additional controls on these small businesses do not warrant the resources necessary to ensure compliance and recommended an alternate exemption limit of 60 pounds per day of VOC emissions. Controls on sources with emission of as little as 5.7 pounds per day are considered reasonable. The TACB, however, is not aware of any perchloroethylene dry cleaners at this level of emissions. In addition, these smaller operations may qualify for other exemptions in this section regarding space limitations and steam capacity. Since attainment cannot be demonstrated in Dallas and Tarrant Counties, all reasonable measures, including perchloroethylene dry cleaning controls, must be implemented to satisfy Environmental Protection Agency (EPA) requirements. In El Paso, attainment can be demonstrated without these additional controls, and they are not included in this adoption.

Brandt Mannchen questioned the need for any exemption limit on dry cleaning facilities. The amendments will remove the exemption from Dallas and Tarrant Counties. Removal of this exemption in other counties cannot be included in this adoption, since it was not included in the original proposal.

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.

§115.223. Compliance Schedule and Counties.

- (a) The provisions of §115.221 of this title (relating to Control Requirements) shall apply only within Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit to the Texas Air Control Board a control plan for compliance with these provisions no later than December 31, 1980, and shall be in compliance as soon as practicable, but no later than December 31, 1982.

- (b) After December 31, 1987, §115.222(C) of this title (relating to Exemptions) shall no longer apply in Dallas and Tarrant Counties. All affected persons shall submit a control plan for compliance with the provisions of §115.221 of this title (relating to Control Requirements) no later than 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