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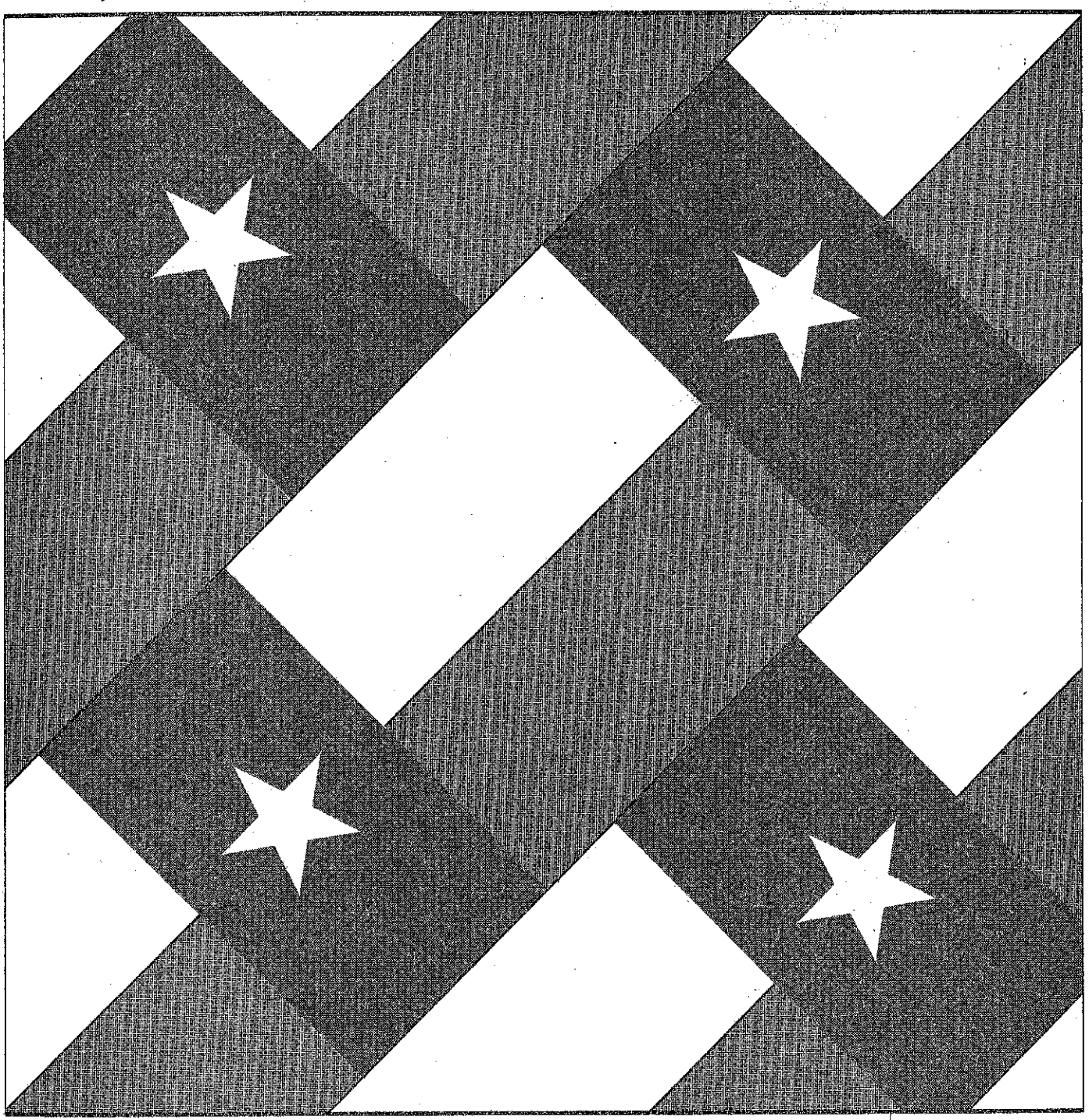

Highlights

The **State Board of Insurance** adopts on an emergency basis amendments in a chapter concerning powers and duties.
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The **Comptroller of Public Accounts** adopts on an emergency basis amendments concerning bingo regulation and tax.
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The **Texas Air Control Board** proposes amendments and new sections in a chapter concerning volatile organic compounds. Proposed date of adoption - July 31 . . . . . **page 728**

Office of the Secretary of State

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are necessary to satisfy EPA requirements for post-1982 SIPs and to avoid possible growth sanctions in Dallas, El Paso, and Tarrant Counties. The anticipated economic costs to individuals who are required to comply with the rules as proposed is $0 each year in 1985 and 1986; $977,000 in 1987; $965,000 in 1988; and $948,000 in 1989 for all facilities affected, adjusting for 5.4% annual inflation.

Public hearings on the proposal are scheduled for 2:30 and 6:30 p.m. on March 27, 1985, in the city council chambers, second floor, 2 Civic Center Plaza, El Paso; 2:30 and 6:30 p.m. on March 27, 1985, in Room N401, Convention Center, 650 South Griffin Street, Dallas; and 2:30 and 6:30 p.m. on March 28, 1985, in the city council chambers, 1000 Throckmorton Street, Fort Worth.

Copies of the proposed amendments are available at the central office of the TACB, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed change is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on April 12, 1985, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The amendments are proposed 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.

§115.171. Cutback Asphalt.

(a) The use of cutback asphalt containing volatile organic compound solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(b) The use of cutback asphalt containing volatile organic compound solvents for the paving of roadways, driveways, or parking lots in Dallas, El Paso, and Tarrant Counties after December 31, 1987, is further restricted to no more than 7.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

§115.175. Exemptions.

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

(f) After December 31, 1987, only those degreasing operations located on any property in Dallas, El Paso, 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 [affected] 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, El Paso, and Tarrant Counties after December 31, 1987. All persons in Dallas, El Paso, 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 proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 20, 1985.

TRD-851599 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption: July 31, 1985
For further information, please call (512) 475-5711, ext. 354.

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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) proposes 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.

One of the amendments proposed to §115.191, concerning emission limitations, adds subparagraph (C) to paragraph (8) to limit volatile organic compound (VOC) emissions from automobile and light-duty truck refinishing in Dallas, El Paso, and Tarrant Counties to 3.0 pounds per gallon of coating (minus water) applied. The other proposed revision to this section adds clause *(v)* to §115.191(9)(A) which limits the 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 two proposed revisions to §115.191, concerning emission limitations, one of the proposed amendments to §115.193, concerning exemptions, revises the list of exemptions under subsection (c) for coating the exterior of aircraft and automobile refinishing. A third exemption for customized top coating of automobiles and trucks also is clarified to indicate that the word "customized" means the addition of decorative detail on top of the top coat. A second amendment to §115.193 adds new subsecion (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 proposed amendment to §115.194, concerning compliance schedule and counties, adds subsection (e) to require compliance with §115.191(8)(C) and (9)(A)*(v)*, concerning emission limitations, no later than December 31, 1987, and to submit a control plan by December 31, 1985.

These proposed amendments are part of a series of proposed revisions to Chapter 115 to provide in Dallas, El Paso, and Tarrant Counties the additional VOC emission reductions needed to satisfy the U.S. Environmental Protection Agency (EPA) requirements for post-1982 state implementation plan (SIP) revisions.

Bennie L. Engelke, management and staff services director, has determined that for the first five-year period the proposed

rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules as proposed.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is improved air quality as a result of a reduction of 3,150 tons per year of VOC emissions in Dallas, El Paso, and Tarrant Counties after December 31, 1987. In addition, these and other VOC emission reductions proposed elsewhere are necessary to satisfy EPA requirements for post-1982 SIP's and to avoid possible growth sanctions in Dallas, El Paso, and Tarrant Counties.

The anticipated economic cost to individuals who are required to comply with the rules as proposed is $0 each year in 1985 and 1986, $1.861 million in 1987, $1.89 million in 1988, and $1.918 million in 1989 for all facilities affected, adjusting for 5.4% annual inflation.

Public hearings on this proposal are scheduled for 2:30 and 6:30 p.m. on March 27, 1985, in the city council chambers, second floor, 2 Civic Center Plaza, El Paso; 2:30 and 6:30 p.m. on March 17, 1985, in Room N-401, Convention Center, 650 South Griffin Street, Dallas; and 2:30 and 6:30 p.m. on March 28, 1985, in the city council chambers, 1000 Throckmorton Street, Fort Worth.

Copies of the proposed amendments are available at the central office of the Texas Air Control Board, 6330 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed amendments is invited at the hearing. Written comments should be sent to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The amendments are proposed 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.

§115.191. 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.)

(C) Volatile organic compound emissions from automobile refinishing in Dallas, El Paso, and Tarrant Counties shall not exceed 3.0 pounds per gallon of coating (minus water) applied (0.36 kg/liter) as determined by the weighted average of all coatings and solvents purchased for use in the process during any calendar month.

(9) Miscellaneous metal parts and products coating.

(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:

(i)-(ii) (No change.)

(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 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** [airplanes] **except as required by §115.191(9)(A)*(v)*; of this title (relating to Emission Limitations);**

(2) automobile refinishing **except as required by §115.191(8)(C) of this title (relating to Emission Limitations);**

(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, only those surface coating operations located at any facility in Dallas, El Paso, and Tarrant Counties, expect automobile refinishing facilities controlled by §115.191(8)(C) of this title (relating to Emission Limitations) and aircraft exterior prime coating controlled by §115.191(9)(A)*(v)*, 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 shall be exempt from the provisions of §115.191.

§115.194. Compliance Schedule and Counties.

(a) All affected persons within Brazoria, Dallas, El Paso, 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, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties), except for §115.191(7)(B), [and] (8)(B), **(8)(C), 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(8)(C) of this title (relating to Emission Limitations), and all affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(9)(A)*(v)* 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 proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 20,1985.

TRD-851600 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption: July 31, 1985
For further information, please call (512) 451-5711, ext. 354.

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Percholoroethylene 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) proposes amendments to §115.223, concerning perchloroethylene dry cleaning systems in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

The proposed amendments restructure the section and add subsection (b) which eliminates the current exemption as specified in §115.222(c), concerning exemptions, for any perchloroethylene dry