

(d) The following coating operations are exempt from the application of §115.191(a)(10) of this title (relating to Emission Limitations):

(1)-(3) (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 of less than 100 pounds (45.4 kg) per day, except aircraft exterior prime coating controlled by §115.191(a)(9)(A), etbi>(v) of this title (relating to Emission Limitations) and automobile refinishing controlled by §115.191(a)(8)(D) of this title (relating to Emission Limitations), 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, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria counties shall be in compliance with §§115.91-115.94 of this title (relating to Surface Coating in Brazoria, Dallas, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties) except for §115.191(a)(7)(B), (a)(8)(B), and (a)(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) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(a)(7)(B) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1985, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(c) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(a)(8)(B) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1986, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(d) All affected persons within the counties listed in subsection (a) of this section shall be in compliance with §115.191(a)(9) and (a)(10) 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, 1980.

(e) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(a)(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.

(f) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(a)(8)(D) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1989.

(g) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(a)(11) of this title (relating to Emission Limitations) as soon as practicable, but no later than December 31, 1989.

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 March 24, 1988.

TRD-8802994

Allen Eli Bell
Executive Director
Texas Air Control Board

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For further information, please call: (512) 451-5711, ext. 354

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Graphic Arts (Printing) by
Rotogravure and
Flexographic Processes

• 31 TAC §§115.201-115.203

The Texas Air Control Board (TACB) adopts amendments to §§115.201-115.203, with changes to the proposed text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3531-3532). The amendments concern Graphic Arts (Printing) By Rotogravure and Flexographic Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

The amendment to §115.201, concerning control requirements, establish the approved test methods which shall be used to determine compliance with applicable control requirements at graphic arts facilities in Dallas and Tarrant counties. The proposed change to require more stringent capture and control limitations on existing graphic arts facilities is deleted. The amendment to §115.202, concerning exemptions, lower the applicable exemption level for graphic arts facilities in Dallas and Tarrant counties from 100 tons per year to 50 tons per year. The 100 pounds per day exemption level included in the proposal is deleted. The amendment to §115.203, concerning compliance schedule and counties, require the smaller sources affected by the lower exemption level specified in §115.202 to be in compliance no later than December 31, 1989, and to submit a final control plan to the TACB by December 31, 1988. These amendments are part of a series of additions to Chapter 115 to satisfy requirements by the United States Environmental Protection Agency (EPA) to demonstrate attainment for ozone in the State Implementation Plan (SIP) revisions for 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; a commenter who agreed with the proposal in its entirety is classified as being for the proposal.

Public hearings were held October 28, 1987, in Cleburne and Rockwall, and October 29, 1987, in Arlington to receive testimony regarding the proposed revisions. Testimony was received from 14 commenters representing local governments, EPA, industry, and interested citizens. Twelve of the commenters were against the proposal, while the North Central Texas Council of Governments and the City of Richardson were in favor of the proposal as necessary to demonstrate attainment of the ozone standard.

EPA and Brandt Mannchen recommended specifying appropriate test methods to be used to determine compliance with the proposed limitations. Furthermore, EPA specified suggested recordkeeping requirements for affected sources and the examination of proposed exemption levels. EPA also specified that final compliance by December 31, 1989, was required.

Industry officials opposed increasing the control requirements on graphic arts facilities which have already expended considerable resources to comply with existing regulations and suggested adequate emission reductions could be achieved by extending existing controls to smaller sources. Several commenters also argued that the more stringent control limits proposed were not technologically practical nor cost-effective, would discourage the use of low-solvent technology, and would increase emissions of nitrogen oxides. Overwraps, Inc. recommended that limitations be based on annual rather than daily averages of the inks used at affected facilities.

The information provided documented the technical, economic, and administrative difficulties of imposing more stringent control limits on sources which have already complied with existing regulations. However, reductions may be obtained from expanding the existing control limitations to smaller sources by adopting an exemption level of 50 tons of VOC per year. This control measure would allow affected sources to utilize currently available control technology to achieve reasonable emission reductions needed for a demonstration of attainment. EPA policy has prohibited the use of annual averaging of emissions in an ozone control strategy. Adoption of approved test methods to effectively monitor the VOC content of applicable inks and to determine the VOC concentration of vent gases from incineration or carbon adsorption is considered appropriate. Since compliance with the limitations on graphic arts facilities does not require an assessment of an average concentration of VOC over a period of time, detailed recordkeeping does not appear critical. Control of sources with less than the 50 tons per year as identified by the exemption raises questions of technical practicality, cost-effectiveness, and enforceability which the TACB staff is unable to address at this time. Compliance by December 31, 1989, can be expected.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3. 099(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.

§115.201. Control Requirements.

(a) No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility that uses solvent-containing ink unless volatile organic compound emissions are limited by one of the following.

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

(b) Compliance with subsection (a) of this section in Dallas and Tarrant counties shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;

(2) Test Method 24A (40 CFR 60, Appendix A) for determining the volatile organic compound content and density of printing inks and related coatings;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining the volatile organic compound concentration in a vent gas stream from an incinerator;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining the volatile organic compound concentration in a vent gas stream from a carbon adsorption unit; or

(5) equivalent test methods approved by the executive director.

§115.202. Exemptions.

(a) Any rotogravure or flexographic facility which when uncontrolled emits a combined weight of volatile organic compounds (VOC) less than 100 tons (91 metric tons) in one year (based on historical ink and VOC solvent usage) is exempt from the requirements of §115.201 of this title (relating to Control Requirements).

(b) In Dallas and Tarrant counties after December 31, 1989, only those rotogravure and flexographic printing facilities which when uncontrolled emit a combined weight of VOCs less than 50 tons in one year (based on historical ink and solvent usage) are exempt from the requirements of §115.201 of this title (relating to Control Requirements).

§115.203. Compliance Schedule and Counties.

(a) The provisions of §15.201 of this title (relating to Control Requirements) shall apply within Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria counties. All affected persons shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance as soon as practicable, but no later than December 31, 1982.

(b) All persons affected by the provisions of §115.202(b) of this title (relating to Exemptions) shall submit to the Texas Air Control Board a final control plan for compliance with the provisions of §115.201 of this title (relating to Control Requirements) no later than December 31, 1988, and shall be in compliance as soon as practicable but no later than December 31, 1989.

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 March 24, 1988.

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Allen Eli Bell
Executive Director
Texas Air Control Board

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For further information, please call: (512) 451-5711, ext. 354

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Specified Consumer-Solvent Products

• 31 TAC §§115.291, 115.293, 115.294

The Texas Air Control Board (TACB) adopts New §§115.291, 115.293, and 115.294, with changes to the proposed text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3532). The sections concern specified consumer-solvent products in Dallas and Tarrant Counties.

New §115.291, concerning control requirements, prohibits the sale or offering for sale in Dallas and Tarrant counties of automobile windshield washer fluids containing VOC, and incorporates the appropriate test methods for determining compliance. New §115.293, concerning exemptions, excludes wholesale or retail transactions of products used outside of Dallas and Tarrant counties, products purchased and delivered prior to December 31, 1988, and products used exclusively in new vehicles prior to initial sale. New §115.294, concerning compliance schedule and counties, requires affected sources in Dallas and Tarrant counties to be in compliance no later than December 31, 1989. These amendments are part of a series of additions to Chapter 115 to satisfy requirements by the United States Environmental Protection Agency (EPA) to demonstrate attainment for ozone in the State Implementation Plan (SIP) revisions for 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; a commenter who agreed with the proposal in its entirety is classified as being for the proposal.

Public hearings were held October 28, 1987, in Cleburne and Rockwall, and October 29, 1987, in Arlington to receive testimony regarding the proposed revisions. Testimony

was received from 30 commenters representing local governments, affected industries, trade associations, and EPA. All of the commenters may be categorized as against the proposal.

Local officials and Brandt Mannchen, while supporting any control measure necessary to demonstrate attainment of the ozone standard, considered consumer-solvent product controls among the least favorable options. EPA specified that a compliance strategy, including recordkeeping requirements, should be adopted to ensure enforcement of the controls. Furthermore, EPA specified that compliance by December 31, 1989, was required.

Industry and trade organizations opposed the proposed ban on aerosol spray products, claiming small emission reduction benefits, severe cost to manufacturers attempting to reformulate products, lost sales, lost tax revenue, and difficulties associated with the administration and enforcement of the requirements. Many commenters also argued that no alternative to hydrocarbon propellants existed for many products and presented other potential problems, including loss of tamper-resistance, damage to interstate commerce, aggravated waste container disposal, and the potentially higher and more photochemically reactive VOC emissions from alternative technologies. Information received during the comment period indicated that more investigation into the technical and economic reasonableness of a ban on aerosol products and space deodorants is needed before any regulatory controls are implemented. The emission reductions from the proposed ban on these products are not required for a demonstration of attainment.

Delta Distributors, Inc. and Texas Committee on Natural Resources opposed the proposed ban on windshield washer fluids because of the increased driving hazard potential and because the methanol and isopropanol used in the fluids is only intermediately photochemically reactive. General Motors Corporation recommended the ban be limited to aftermarket sales only to allow vehicle manufacturers to use fluids in new car preparation. Significant emission reductions can be achieved through the ban on windshield washer fluids. While the hydrocarbons in the affected fluids may be only moderately photochemically reactive, they are still considered to be VOC's subject to the ozone control strategies required by EPA. The proposed ban may require motorists to adjust their vehicle maintenance habits to include more frequent manual washing of windshields and the draining of the washer reservoir and lines during the winter to prevent freezing but should not adversely affect driving safety. Water or non-VOC fluids may still be used. The TACB recognizes the requirements of new car manufacturers which transport vehicles to other parts of the nation not affected by these sections and concurs with the recommendation to limit the aftermarket sales of windshield washer fluids only. The TACB staff is also developing a detailed enforcement plan for determining compliance of affected outlets which will include annual investigation of a statistically valid sample of all locations in Dallas and Tarrant counties. Compliance by December 31, 1989, can be expected.

These amendments are adopted under Texas