

# Texas Register

Volume 13, Number 91, December 9, 1988

Pages 6045-6128

## In This Issue...

### **Attorney General**

#### *Open Records Decisions*

6053-ORD-511 (RQ-1411)

6053-ORD-512 (RQ-1519)

#### *Opinions*

6053-JM-984 (RQ-1469)

6053-JM-985 (RQ-1483)

#### *Requests for Opinions*

6053-(RQ-1591)-(RQ-1600)

### **Proposed Sections**

#### *Texas Department of Agriculture*

6055-Seed Certification Standards

#### *State Securities Board*

6055-Terminology

6055-Transactions Exempt from Registration

6056-Administrative Guidelines for Registration of Equipment Programs

#### *Public Utility Commission of Texas*

6063-Substantive Rules

#### *Texas State Board of Dental Examiners*

6068-Conduct

#### *Board of Vocational Nurse Examiners*

6068-Administration

6069-Education

#### *Texas State Board of Public Accountancy*

6069-Professional Conduct

#### *Texas Department of Human Services*

6070-Child Protective Services

#### *Texas Rehabilitation Commission*

6072-Memoranda of Understanding with Other State Agencies

### **Withdrawn Sections**

#### *State Securities Board*

6073-Dealers and Salesmen

#### *Board of Nurse Examiners*

6073-Licensure and Practice

#### *State Property Tax Board*

6073-Tax Record Requirement

### **Adopted Sections**

#### *State Securities Board*

6075-Confidentiality of Information

6075-Exemptions by Rule or Order

#### *State Board of Dental Examiners*

6075-Extension of Duties of Auxiliary Personnel

#### *Board of Nurse Examiners*

6076-Bylaws

#### *Statewide Health Coordinating Council*

6077-Health Planning and Resource Development

#### *General Land Office*

6079-Energy Resources

#### *Texas Parks and Wildlife Department*

6080-Fisheries

#### *Texas Air Control Board*

6081-General Rules

6082-Control of Air Pollution from Volatile Organic Compounds

#### *State Property Tax Board*

6094-Tax Record Requirements

#### *Texas Department of Public Safety*

6094-Commercial Driver Training School Regulations

#### *State Board of Insurance Exempt Filing*

6100-Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

### **Open Meetings**

6103-Texas Department of Agriculture

6103-Automated Information and Telecommunication Council

CONTENTS CONTINUED INSIDE

mediately or the degreaser shall be shut down until repairs are made.

(6)-(7) (No change.)

(c) The owner or operator of any conveyORIZED degreasing operation in Dallas or Tarrant Counties shall maintain the following records at the facility for at least two years and shall make such records available to representatives of the Texas Air Control Board or the local air pollution control agency having jurisdiction in the area, upon request:

(1) a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit; and

(2) the results of all tests conducted at the facility in accordance with the requirements described in subsection (a)(9) of this section.

#### §115.175. Exceptions.

(a)-(d) (No change.)

(e) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a volatility equal to or less than 0.6 psia (4.1 kPa) measured at 100 degrees Fahrenheit (38 degrees Centigrade) and which has a drain area less than 16 in (100 cm) and who properly disposes of waste solvent in enclosed containers is exempt from §115.172(a)-(b) of this title (relating to Cold Solvent Cleaning).

(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).

(g) After August 31, 1990, no degreasing operations located on any property in Dallas and Tarrant Counties 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).

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 November 30, 1988.

TRD-8812236 Allen Ell Bell  
Executive Director  
Texas Air Control Board

Effective date: December 21, 1988

Proposal publication date: June 7, 1988

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

## Surface Coating Processes

### • 31 TAC §§115.191-115.193

The Texas Air Control Board (TACB) adopts amendments to §§115.191-115.193. Section 115.191 and §115.193 are adopted with changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2812). Section 115.192 is adopted without changes and will not be published.

The amendments to §115.191, concerning emission limitations, delete the emission limitations expressed as pounds of volatile organic compounds (VOC) per gallon of solids for automobile refinishing and architectural coatings. Limitations expressed as pounds of VOC per gallon of coating (minus water and exempt solvents) are retained. However, the amendments clarify that emission calculations for surface coating operations to satisfy the conditions for approval of any demonstration of equivalency with specified limitations will be performed on a solids basis for all affected coatings. The amendments also clarify that emission limits are to be determined for coatings as delivered to the application system. The amendments specify that only those architectural coatings manufactured after December 31, 1988, will be required to satisfy the specified emission limitations but that the date of manufacture must be clearly marked on each coating container. The amendments also eliminate the architectural coating categories and associated limitations for volatile organic compounds exterior flat and interior flat latex paints and combine all flat and non-flat latex paints under a single limitation of 2.2 pounds per gallon of coating (minus water and exempt solvent). The amendments specify additional test procedures and necessary recordkeeping to be maintained at all affected coating facilities and sales outlets in Dallas and Tarrant counties.

The amendments to §115.192, concerning control techniques, specify test methods to determine compliance with applicable requirements for add-on controls and the necessary recordkeeping for affected surface coating facilities in Dallas and Tarrant counties.

The amendments to §115.193, concerning exemptions, establish the following three exemption levels for surface coating operations in Dallas and Tarrant counties: 1) exemption for all surface coating operations on a property which emits less than three pounds per hour or 15 pounds per day of VOC from the requirement to use low-solvent coatings or to install add-on control equipment; 2) exemption for all surface coating operations on a property which emits less than 100 pounds per day of VOC from the requirement to use low-solvent coatings if documentation is provided to demonstrate that necessary coating performance criteria cannot be achieved with coatings which satisfy applicable control limitations; and 3) exemption for all surface coating operations on a property which emit less than 100 pounds per day of VOC from the requirement to install add-on control equipment. Exempted facilities will be required to maintain records sufficient to document the applicability of the conditions of the exemption. Various additional amendments to these sections clarify and simplify the enforcement

of current requirements.

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.

Eleven commenters, the Environmental Protection Agency (EPA), General Dynamics Corporation (GD), the City of Fort Worth Health Department (FW), Dupont Corporation (Dupont), BASF Corporation (BASF), Sherwin-Williams Company (Sherwin-Williams), Jones-Blair Company (Jones-Blair), Glidden Company (Glidden), Olympic Homecare Products Company (Olympic), Caldwell Paint Manufacturing Company (Caldwell), and the National Paint and Coatings Association (NPCA) testified against the proposed amendments to §115.191. Two commenters, an individual commenter and General Motors Corporation (GM), testified against the proposed amendments to §115.192. Eight commenters, EPA, the North Central Texas Council of Governments (NCTCOG), Sherwin-Williams, Jones-Blair, Glidden, Olympic, Caldwell, and NPCA, testified against the proposed amendments to §115.193. No comments were received in favor of the proposals.

A 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 Highway 290 East, Austin, Texas 78723.

The individual commenter recommended control efficiency requirements greater than the 80% proposed. This control efficiency is based on an assumed 90% efficiency of the control equipment and 90% efficiency of the vapor capture system. While control equipment may have efficiencies substantially greater than 90%, vapor capture systems at some facilities can not always be expected to achieve the assumed efficiency. The rule provides for a balance of the two points of control.

GM suggested that control efficiency should be based only on those emissions capable of being controlled by a specific exhaust stream and that the need for a specific control efficiency was unnecessary where identifiable emission limits were applicable. As stated earlier, capture efficiency must be considered in the calculation of overall efficiency of control of a specific surface coating operation. However, only those emissions from individual sources within a facility, such as spray booths or baking ovens, should be addressed in these calculations. Total plant-wide emissions may not need to be included. However, all control equipment, if required, should be expected to meet minimum performance criteria regardless of any specified reduction goal or equivalency requirement.

The EPA and the NCTCOG commented on the proposal to drop the current exemption of 100 lb/day (12.5 t/y at typical operating schedules) to 10 t/y. The EPA stated that a 10 t/y exemption level would be acceptable only if compliance with the exemption was evaluated based on an emission rate determined by multiplying the maximum hourly

emission rate by 8,760 hours per year (24 hours per day, 365 days per year) regardless of the actual operating schedule of the plant. If the actual plant operating schedule and emissions were used to determine compliance with the exemption, the EPA indicated an exemption level of three pounds per hour (lb/hr) and 15 lb/day must be used. NCTCOG recommended delaying adoption of any lower exemption level until a more complete assessment of the cost and identification of the affected sources can be performed. A maximum hourly emission rate of only 2.3 lb/hr would exceed the 10 t/y limit if an operating schedule of 8,760 hours per year is assumed, making that option even more restrictive than the three lb/hr EPA recommendation. At the more common operating schedule of 2080 hours per year for these types of operations, 10 t/y represents approximately 10 lb/hr. The TACB has performed an analysis of the potential cost of additional controls on a three lb/hr source if it were required to install an incinerator or other control device. At a typical operating schedule of 2080 per year such a source would emit three t/y. The economic analysis indicated a potential capital and operating cost of \$134,000 per year to reduce emissions by 1.5 t/y representing a cost effectiveness of \$88,000 per ton of VOC emission reduced. Based on this economic analysis performed by TACB staff, the EPA recommended exemption levels of three lb/hr and 15 lb/day may be considered reasonable only if equivalent coating performance can be achieved with compliant coatings rather than add-on controls. Sources with emissions less than 100 lb/day which cannot use compliant coatings cannot reasonably be required to install add-on controls. This approach is consistent with an EPA policy discussed in a February 9, 1988, letter to the TACB requiring low-solvent coating wherever feasible without requiring an unreasonable financial burden on small operations.

The EPA, FW, and GD addressed the recordkeeping requirements which were proposed as a condition for qualifying for an exemption. The EPA stated recordkeeping was required for exempt sources, while GD opposed daily recordkeeping. Fort Worth supported recordkeeping but expressed concern regarding the sources, expertise and resources to comply. Since the emission limitations are based on a daily weighted average and the ozone standard is based on a daily maximum, the EPA has insisted that compliance and, therefore, recordkeeping must be determined on a daily basis as well. The TACB staff is planning to develop and distribute information to affected sources and will be available to answer inquiries.

GD recommended a separate rule for aerospace coatings since the aerospace industry is currently covered under the provisions for "miscellaneous metal parts" with an overall limitation of 3.5 pounds per gallon (lb/gal). GD felt that a separate rule that would take into consideration the highly complex nature of aerospace coatings was needed. The TACB is working with the EPA and the aerospace industry regarding this issue and may consider future rulemaking.

The EPA recommended several changes to §115.191(a)(9)(A), regarding miscellaneous metal parts coatings, which expand the types of coating currently regulated and change the calculation methods used to determine com-

pliance with applicable limitations. The proposed revision was a clarification of an existing procedure and included no changes to actual control requirements. The changes indicated by the EPA would be significant, necessitating additional rulemaking.

Dupont suggested averaging the VOC content of color additives in calculating the total VOC content for a paint used in automobile refinishing. The use of a small amount of concentrated color additives to blend custom paints prior to distribution is not currently included in this regulation. However, blending of coatings at the automobile refinishing facility must still satisfy the limitations prior to delivery to the spray equipment. Averaging would require unreasonable recordkeeping requirements and would be unenforceable.

BASF Corporation, Inmont Division (BASF), suggested that while the prime coat limitation of 2.1 lb/gal for automobile refinishing was appropriate in most cases, a prime coat of at least 2.5 lb/gal is needed for base coat/clear coat application systems. The Sherwin-Williams Company (Sherwin-Williams) suggested that while a 6.2 lb/gal limitation on base coat for automobile refinishing was appropriate in most cases, a higher limitation of 6.5 lb/gal is needed to provide for a three-stage coating system now being applied to some new cars. TACB staff did not intend to preclude the use of any coating system when these limitations were developed in 1987. The limitations were based on the best information available at the time, and while different types of coating technologies may be subsequently developed, changes to specific limitations are not appropriate without careful consideration of associated control technologies and a detailed technical assessment of potential emission impacts. Therefore, the comments received will be evaluated and any necessary revisions to the prime coat and base coat limitations to address other coating systems will be considered in subsequent rulemaking.

Sherwin-Williams, the EPA, Jones-Blair Company (Jones-Blair), The Glidden Company (Glidden), The Olympic Homecare Products Company (Olympic), Caldwell Paint Manufacturing Company (Caldwell), and National Paint and Coatings Association (NPCA) provided extensive comment and documentation regarding the structure and content of the architectural rule. Primary suggestions included: (1) regulating on the basis of date of manufacture rather than the date of sale; (2) eliminating the unintentional effect of the existing regulation to discourage the use of latex paints by either providing an exemption or an overall limitation of 2.2 lb/gal for latex paints; (3) providing a small package exemption for sizes less than one quart; (4) including an exemption for color additives; (5) providing a format more consistent with other similar regulations in other parts of the country; and (6) defining and regulating a more comprehensive set of coating categories.

Prohibiting the sale of coatings manufactured after a specified date may reduce the economic impact on affected companies by reducing recalls. However, an additional requirement that the date of manufacture be clearly marked on cans must be included. The TACB did not intend to preclude the sale of any latex paint and, in fact, agrees that use of latex paint should be encouraged. Existing

limits (0.7 and 0.8 lb/gal) would apparently preclude the marketing of certain high quality latex paints in Dallas and Tarrant counties, and therefore may be counterproductive to the original goal of the regulation by encouraging use of higher solvent paints from other categories to achieve the desired characteristics. Exempting latex paints from control or covering all latex coatings under a single limitation of 2.2 lb/gal would provide for marketing of these high quality coatings without a change in the emission reduction credits associated with this control. While the current definitions of architectural coatings excludes pint containers, a quart or liter size exemption would not significantly reduce the benefits of the rule and may provide reasonable distribution of specialty coatings. Concentrated color additives are commonly used to blend custom paints at the sales outlet. The small amount of this material does not significantly alter the final VOC content of the paint as sold and was not intended to be regulated separately. Other changes to address national consistency and to provide more comprehensive categories will be considered in subsequent rulemaking in conjunction with Post-87 State Implementation Plan (SIP) revision development.

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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

#### §115.191. Emission Limitations.

(a) 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)-(11) of this subsection to exceed the specified emission limits, which are based on the daily weighted average of all coatings delivered to the application systems, except for those in paragraph (10) of this subsection which are based on paneling surface area, and those in paragraph (11) of this subsection which are based on the volatile organic compound content of architectural coatings sold or offered for sale. Emission calculations for surface coating operations performed to satisfy the conditions of §101.23 of this title (relating to Alternate Emission Reduction ("Bubble") Policy), §115.401 of this title (relating to Alternate Means of Control), or other demonstrations of equivalency with the specified emission limits in this section shall be based on the pounds of volatile organic compounds per gallon of solids for all affected coatings. Exempt solvent, as used in this section, shall mean any solvent consisting of compounds excluded from the definition of volatile organic compound in §101.1 of this title (relating to Definitions).

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

(8) Automobile and light-duty truck coating.

(A) The following volatile organic compound emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water) applied, as soon as practicable but no later than December 31, 1987:

Operation (including applica- tion, flashoff, and oven areas)	VOC Emission Limitation	
	pounds per gallon	kg per liter
prime application (body and front-end sheet metal)	1.2	0.15
primer surfacer application	2.8	0.34
topcoat application	2.8	0.34
final repair application	4.8	0.58

(B) Volatile organic compound emissions from the coatings or solvents used in automobile refinishing in Dallas and Tarrant counties shall be based on an assumed 30% transfer efficiency from an air spray applicator or equivalent, unless otherwise specified in an alternate means of control approved by the Executive Director in accordance with §115.401 (relating to Alternate Means of Control), and shall not exceed the following limits:

(i) 2.1 pounds per gallon (0.25 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for primers or primer/surfacers;

(ii) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for acrylic enamel coatings;

(iii) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for alkyd enamel coatings;

(iv) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for clear coatings;

(v) 6.2 pounds per gallon (0.74 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for base coatings;

(vi) 6.2 pounds per gallon (0.74 kg/liter) of coating (minus water and exempt solvent) delivered to application systems for lacquers; and

(vii) 1.4 pounds per gallon (0.17 kg/liter) of wipe-down solutions.

(C) Automobile refinishing operations in Dallas and Tarrant counties shall minimize volatile organic compound emissions during equipment cleanup by the following procedures:

(i)-(iii) (No change.)

(9) Miscellaneous metal parts and products coating.

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

(C) All VOC emissions from solvent washings shall be included in determination of compliance with the emission limitations in paragraph (9)(A) of this subsection unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(10) (No change.)

(11) Architectural coating. The volatile organic compound content of any coating manufactured after December 31, 1988 and sold or offered for sale as an architectural coating in Dallas and Tarrant

counties shall have the date of manufacture clearly marked on each container and shall not exceed the following limits:

(A) 2.2 pounds per gallon (0.26 kg/liter) of coating (minus water and exempt solvent) for non-flat and flat latex paints;

(B) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water and exempt solvent) for interior alkyd paints;

(C) 4.0 pounds per gallon (0.48 kg/liter) of coating (minus water and exempt solvent) for exterior alkyd paints;

(D) 4.5 pounds per gallon (0.54 kg/liter) of coating (minus water and exempt solvent) for epoxy paints;

(E) 6.0 pounds per gallon (0.72 kg/liter) of coating (minus water and exempt solvent) for exterior stains;

(F) 7.0 pounds per gallon (0.84 kg/liter) of coating (minus water and exempt solvent) for interior stains;

(G) 4.5 pounds per gallon (0.54 kg/liter) of coating (minus water and exempt solvent) for urethane coatings;

(H) 4.5 pounds per gallon (0.54 kg/liter) of coating (minus water and exempt solvent) for alkyd varnishes; and

(I) 5.6 pounds per gallon (0.67 kg/liter) of coating (minus water and exempt solvent) for nitrocellulosebased lacquers.

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

(1) Test Method 24 (40 Code of Federal Regulations 60, Appendix A) with a one-hour bake;

(2) ASTM Test Methods D 1186-06.01, D 1200-06.01, D 3794-06.01, D 2832-69, D 1644-75, and D 3960-81;

(3) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings" (EPA 450/3-84-01, December, 1984);

(4) additional test procedures described in 40 Code of Federal Regulations 60.446; or

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

(c) Any person in Dallas and Tarrant counties affected by this section shall satisfy the following recordkeeping re-

quirements.

(1) A material data sheet shall be maintained which documents the volatile organic compound content, composition, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits.

(2) Records shall be maintained of the quantity and type of each coating and solvent consumed during the specified averaging period if any of the coatings, as delivered to the coating application system, exceed the applicable control limits. Such records shall be sufficient to calculate the applicable weighted average of volatile organic compounds for all coatings.

(3) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in subsection (b) of this section.

(4) Records required by paragraphs (1)-(3) of this subsection shall be maintained for at least two years and shall be available for inspection by representatives of the Texas Air Control Board or local air pollution control agency.

#### §115.193. Exemptions.

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

(f) After August 31, 1990, the following exemptions shall apply to surface coating operations in Dallas and Tarrant counties, except for aircraft prime coating controlled by §115.191(a)(9)(H)(v) and automobile refinishing controlled by §115.191(a)(8)(B) and (C) of this title (relating to Emission Limitations). Records shall be maintained sufficient to document the applicability of the conditions of these exemptions.

(1) Surface coating operations on a property, which when uncontrolled, will emit a combined weight of volatile organic compounds of less than three pounds per hour and 15 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.191 of this title (relating to Emission Limitations) and §115.192 of this title (relating to Control Techniques).

(2) Surface coating operations on a property, which when uncontrolled, will emit a combined weight of volatile organic compounds of less than 100 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.191 of this title (relating to Emission Limitations) if documentation is provided to demonstrate that necessary coating performance criteria cannot be achieved with coatings which satisfy applicable control limitations.

(3) Surface coating operations on a property, which when uncontrolled, will emit a combined weight of volatile

organic compounds of less than 100 pounds in any consecutive 24-hour period shall be exempt from the provisions on §115.192 of this title (relating to Control Techniques).

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 November 30, 1988.

TRD-8812244

Allen Eil Bell  
Executive Director  
Texas Air Control Board

Effective date: December 21, 1988

Proposal publication date: June 7, 1988

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

### 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 and §115.203. Section 115.201 is adopted with changes to the proposed text as published in the June 7, 1988, issue of the *Texas Register* (13 TexReg 2820). Section 115.203 is adopted without changes and will not be republished.

The amendments to §115.201, concerning control requirements, clarify that the emission limitations for low-solvent inks are to be calculated minus water and exempt solvents. The amendments also specify necessary test methods and recordkeeping requirements for affected facilities. The amendments to §115.203, concerning compliance schedule and counties, require final control plans submitted by affected facilities to include a commitment to conduct appropriate initial compliance testing no later than 90 days after the specified compliance deadline. Various additional proposed amendments to these sections clarify and simplify the enforcement of current requirements.

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.

Two commenters, an individual commenter and the Environmental Protection Agency (EPA), testified against the proposed amendments to §115.201, while no comments were received in favor of this proposal. No comments were received regarding amendments to §115.203.

A 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 Highway 290 East, Austin, Texas 78723.

The individual commenter suggested that overall control effectiveness for add-on controls should be greater than 90%. The re-

quired effectiveness for various types of printing operations is established by CTGs published by the EPA to define RACT.

The EPA noted that §115.201(c), regarding recordkeeping, as written would apply to all counties as written. Since the current proposals were intended to include additional recordkeeping requirements for Dallas and Tarrant counties only, it is appropriate to limit this revision to these two 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 purpose 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) application to the substrate of low solvent ink with a volatile fraction containing 25% by volume or less of volatile organic compound solvent and 75% by volume or more of water and exempt solvent;

(2) application to the substrate of high solids solvent-borne ink containing 60% by volume or more of nonvolatile material (minus water and exempt solvent); or

(3) operation of a carbon adsorption or incineration system to reduce the volatile organic compound emissions from an effective capture system by at least 90% by weight. 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, as demonstrated to the satisfaction of the executive director, upon request, of at least the following weight percentages: 75% for a publication rotogravure process; 65% for a packaging rotogravure process; and 60% for a flexographic printing process.

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

(1) (No change.)

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

(3) Test Method 25 (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Ap-

pendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) United States Environmental Protection Agency guidelines series document *Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings*, EPA-450/3-84-011, as in effect December, 1984; or

(6) equivalent test methods and procedures approved by the executive director.

(c) The owner or operator of any graphic arts facility in Dallas and Tarrant counties subject to the control requirements of this section shall:

(1) maintain records of the volatile organic compound content of all inks as applied to the substrate. The composition of inks may be determined by the methods referenced in subsection (b) of this section or by examining the manufacturer's formulation data and the amount of dilution solvent added to adjust the viscosity of inks prior to application to the substrate;

(2) maintain daily records of the quantity of each ink and solvent used at a facility subject to the requirements of an alternate means of control approved by the executive director in accordance with §115.401 of this title (relating to Alternate Means of Control) which allows the application of inks exceeding the applicable control limits. Such records must be sufficient to demonstrate compliance with the applicable emission limitation on a daily weighted average;

(3) install and maintain monitors to accurately measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed, in degrees Celsius;

(B) the total amount of volatile organic compounds recovered by a carbon adsorption or other solvent recovery system during a calendar month; and

(C) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

(4) maintain the results of any testing conducted at an affected facility in accordance with the provisions specified in subsection (b) of this section;