

documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.435. Testing Requirements. For the counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules), compliance with §115.432 of this title (relating to Control Requirements) in Dallas and Tarrant Counties shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for determining flow rates, as necessary;

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

(5) United States Environmental Protection Agency (EPA) 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) modifications to these test methods and procedures approved by the executive director.

§115.436. Recordkeeping Requirements. For the counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules), the owner or operator of any graphic arts facility subject to the control requirements of §115.432 of this title (relating to Control Requirements) 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 §115.435 of this title (relating to Testing Requirements) 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 §115.433 of this title (relating to Alternate Control Requirements) 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;

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

(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 §115.435 of this title (relating to Testing Requirements); and

(5) maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or the local air pollution agency having jurisdiction in the area.

§115.437. Exemptions. For the counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Any rotogravure or flexographic facility which when uncontrolled emits a combined weight of volatile organic compounds less than 100 tons (91 metric tons) in one year (based on historical ink and volatile organic compound solvent usage) is exempt from the requirements of §115.432 of this title (relating to Control Requirements).

(2) In the counties referenced in §115.439(2) of this title (relating to Counties and Compliance Schedules), any rotogravure and flexographic printing facility which when uncontrolled emits a combined weight of volatile organic compound less than 50 tons in one year (based on historical ink and solvent usage) is exempt from the requirements of §115.432 of this title (relating to Control Requirements).

§115.439. Counties and Compliance Schedules. All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (concerning graphic arts printing by rotogravure and flexographic processes) in accordance with the following compliance schedules.

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to the effective date of the adoption of this section, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All persons required to implement controls as a result of the lowering of the exemption level as specified in §115.437(2) of this title (relating to Exemptions) in Dallas and Tarrant Counties shall be in compliance as soon as practicable but no later than December 31, 1989

(3) All affected persons shall be in compliance with the provisions of §115.436 of this title (relating to Recordkeeping Requirements):

(A) in Dallas and Tarrant Counties as soon as practicable but no later than August 31, 1990; and

(B) in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties as soon as practicable but no later than December 31, 1990.

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 July 19, 1989.

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Allen Eli Bell
Executive Director
Texas Air Control Board

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For further information, please call: (512) 463-5711, Ext. 354

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter F. Miscellaneous Industrial Sources

Cutback Asphalt

• 31 TAC §§115.512, 115.513, 115.515-115.517, and 115.519

The Texas Air Control Board (TACB) proposes new §§115.512, 115.513, 115.515-115.517, and 115.519, concerning cutback asphalt, which contain certain provisions of existing §§115.171 and 115.176, concerning specified solvent-using processes in Brazoria, Dallas, El Paso, Galveston, Gregg,

Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. This new undesignated head will be included in a proposed new Subchapter F, concerning miscellaneous industrial sources. While in most instances the proposal does not involve new requirements, the sections have been significantly reorganized to reduce the inconsistencies which have developed as a result of numerous independent revisions in the past. Several substantive changes, however, are also proposed in order to respond to the Environmental Protection Agency requirements of Phase I of the post-87 State Implementation Plan (SIP) revisions.

These changes are a part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of the existing Chapter 115 in its entirety and the addition of a new Chapter 115.

The proposed new §115.512, concerning control requirements, specifies the applicable equipment and procedural requirements. The proposed new §115.513, concerning alternate control requirements, provides for executive director approval for the use of alternate technology which will result in equivalent volatile organic compound (VOC) emission reductions. The proposed new §115.515, concerning testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable controls or exemptions. The proposed new §115.516, concerning recordkeeping requirements, specifies the type of records to be kept to document satisfaction of exemption criteria or performance of applicable control devices. The proposed new §115.517, concerning exemptions, specifies the types of facilities which are exempted from the requirements of these sections. The proposed new §115.519, concerning counties and compliance schedules, requires all affected facilities to be in compliance in accordance with all expired schedules.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed sections are in effect, there would be no fiscal implications for state and local governments, small businesses, or individuals and businesses required to implement the proposed measures.

Les Montgomery, P.E., director of technical support and regulation development Program, has determined that for each of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of implementing the sections will be more effective and consistent enforcement associated with the control of VOC. In addition, these measures are necessary to address the requirements of Phase I of the Post-87 SIP revisions.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso;

and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 25, 1989, at the TACB central office will be included in the hearing record.

These new sections 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.

§115.512. Control Requirements. For persons in the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules), the following control requirements shall apply.

(1) 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.

(2) 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 is 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.

(3) No person shall allow the use, application, sale, or offer for sale of cutback asphalt containing volatile organic compound solvents for paving roadways, driveways, or parking lots in Dallas and Tarrant Counties during the period from April 16 to September 15 of any year.

(4) When emulsified asphalt is utilized to comply with paragraph (3) of this section, the maximum volatile organic compound content shall not exceed 12% by weight or the following limitations, whichever is more stringent:

(A) 0.5% by weight for seal coats;

(B) 3.0% by weight for chip seals when dusty or dirty aggregate is used;

(C) 8.0% by weight for mixing with open graded aggregate with less than 1% by weight of dust or clay-like

materials adhering to the coarse aggregate fraction (1/8 inch in diameter or greater); and

(D) 12.0% by weight for mixing with dense graded aggregate when used to produce a mix designed to have 10% or less voids when fully compacted.

§115.513. Alternate Control Requirements. For all affected persons in the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.515. Testing Requirements. For the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules), compliance with §115.512(4) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) ASTM Test Method D 244 for determining volatile organic compound content of asphalt emulsions; or

(2) modifications to these test methods approved by the executive director.

§115.516. Recordkeeping Requirements. For the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules), any state, municipal, or county agency who uses or specifies the use of the type of asphalt or asphalt emulsion affected by §115.512 of this title (relating to Control Requirements) shall maintain records sufficient to document compliance with applicable restrictions and shall make such records available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or the local air pollution control agency having jurisdiction in the area.

§115.517. Exemptions. For persons in the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules) the following are exempt from the provisions of §115.512(3) of this title (relating to Control Requirements):

(1) long-life (longer than one month) stockpile storage of cutback asphalt; and

(2) cutback asphalt used solely as a penetrating prime coat.

§115.519. Counties and Compliance Schedules. All affected persons within Brazoria, Dallas, El Paso, Galveston, Harris, Jeffer-

son, Nueces, Orange, and Tarrant Counties shall be in compliance with this undesignated head (relating to Storage of Cutback Asphalt) in accordance with all compliance schedules which have expired prior to the effective date of the adoption to this section, in accordance with §115.930 of this title (relating to Compliance Dates).

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 July 19, 1989

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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.

Perchloroethylene Dry Cleaning Systems

• 31 TAC §§115.521-15.527, 115.529

The Texas Air Control Board (TACB) proposes new §§115.521-115.527, and 115.529, concerning Perchloroethylene Dry Cleaning Systems, which contain the provisions of existing §§115.221-115.223, concerning perchloroethylene dry cleaning systems in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. This new undesignated head will be included in a proposed new Subchapter F, concerning miscellaneous industrial sources. While in most instances the proposal does not involve new requirements, the sections have been significantly reorganized to reduce the inconsistencies which have developed as a result of numerous independent revisions in the past. Several substantive changes, however, are also proposed in order to respond to the Environmental Protection Agency requirements of Phase I of the Post-87 State Implementation Plan (SIP) revisions.

These changes are a part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of the existing Chapter 115 in its entirety and the addition of a new Chapter 115.

The proposed new §115.521, concerning emission specifications, establishes emission limits for volatile organic compounds (VOC) from affected sources. The proposed new §115.522, concerning control requirements, specifies the applicable equipment and procedural requirements. The proposed new §115.523, concerning alternate control requirements, provides for executive director approval for the use of alternate technology which will result in equivalent VOC emission reductions. The proposed new §115.524, concerning inspection requirements, specifies applicable inspection procedures and schedules. The proposed new §115.525, concern-

ing testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable controls or exemptions. The proposed new §115.526, concerning recordkeeping requirements, specifies the type of records to be kept to document satisfaction of exemption criteria or performance of applicable control devices. The proposed new §115.527, concerning exemptions, specifies the types of facilities which are exempted from the requirements of these sections. This proposal will remove exemptions based on inadequate space or steam capacity as of August 31, 1990. The proposed new §115.529, concerning counties and compliance schedules, requires all affected facilities to be in compliance in accordance with all expired and pending schedules. Furthermore, VOC emitted in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties must comply with applicable recordkeeping requirements by August 31, 1990.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed sections are in effect, there would be no fiscal implications for state and local governments or for small businesses. Economic costs to individuals and businesses required to implement the proposed measures are estimated as follows: for recordkeeping \$2,500 in 1990; \$5,000 for years 1991-1994; for loss of exemption \$6,000 in 1990, but not applicable in the following years.

Les Montgomery, P.E., director of technical support and regulation development program, has determined that for each of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of implementing the sections will be more effective and consistent enforcement associated with the control of VOC. In addition, these measures are necessary to address the requirements of Phase I of the Post-87 SIP revisions.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 25, 1989, at the TACB central office will be included in the hearing record.

The new sections 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.

§115.521. Emission Specifications. For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device, such that emissions are limited to no more than 100 ppm, before dilution.

§115.522. Control Requirements. For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements.

(1) Cook or treat all diatomaceous earth filters so that the residue contains 25% by weight or less of volatile organic compounds.

(2) Reduce the volatile organic compounds from all solvent stills to 60 weight percent or less of wet waste material and store waste material in vapor-tight containers.

(3) Drain all filtration cartridges in the filter housing for at least 24 hours before removing and discarding the cartridges and, when possible, dry all drained cartridges in the dryer tumbler or elsewhere without emitting volatile organic compounds to the atmosphere.

§115.523. Alternate Control Requirements. For all affected persons in the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.524. Inspection Requirements. For all affected persons in the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall visually inspect, at least weekly, all system components and immediately repair all liquid leaks.

§115.525. Testing Requirements. For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), compliance with §115.521 of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for