

82 for the measurement of Reid Vapor Pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

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

§115.536. Recordkeeping Requirements. For the counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules), the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of volatile organic compounds from process units affected by §115.531(1) of this title (relating to Emission Specifications) shall record the outlet gas temperature.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531 of this title (relating to Emission Specifications), or §115.532 of this title (relating to Control Requirements) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, such as:

(i) the exhaust gas temperature of direct flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

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

(iii) the daily emission rate of volatile organic compounds from the control device;

(B) maintain a record of 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.

(3) The owner or operator of any pharmaceutical manufacturing facility which is exempted from the requirements in accordance with the provisions of §115.537 of this title (relating to Exemptions) shall maintain a record of the following information, as appropriate:

(A) the vapor pressure of materials transferred at loading facilities, stored in tanks, or processed in centrifuges and filters; and

(B) the daily emissions rate of volatile organic compounds.

(4) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.535 of this title (relating to Testing Requirements).

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall 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 local air pollution control agency.

§115.537. Exemptions. For the counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(3) of this title (relating to Emission Specifications).

(2) Storage tanks at loading facilities that store volatile organic compounds with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68°F (20°C) are exempt from the requirements of §115.531(3) of this title (relating to Emission Specifications).

(3) Storage tanks containing volatile organic compounds with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(1)(B) of this title (relating to Control Requirements).

(4) Centrifuges and filters which process liquids containing volatile organic compounds with vapor pressures less than 0.5 psia (3.4 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(2) of this title (relating to Control Requirements).

(5) Any facility in Brazoria, Dallas, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which, when uncontrolled, will emit a combined weight of volatile organic compounds less than 550 pounds (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531 of this title (relating to Emission Specifications), and §115.532 of this title (relating to Control Requirements).

(6) Any facility located in Harris County which, when uncontrolled, will emit a combined weight of volatile organic compounds less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempted from the provisions of §115.531 of this title (relating to Emission Specifications), and §115.532 of this title (relating to Control Requirements).

§115.539. 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 (relating to Pharmaceutical Manufacturing Facilities) in accordance with the following schedules.

(1) 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).

(2) All persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, or Tarrant Counties affected by the provisions of §115.536 of this title (relating to Recordkeeping Requirements) shall be in compliance with this section 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.

TRD-8906404 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

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

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Subchapter G. Consumer-Related Sources
Consumer-Solvent Products
• 31 TAC §§115.612-115.613, 115.615, 115.617, 115.619

The Texas Air Control Board (TACB) proposes new §§115.612-115.613, 115.615, 115.617, and 115.619, concerning consumer-solvent products, which contain the provisions of existing §§115.291, 115.293, and 115.294, concerning specified consumer-solvent products in Dallas and Tarrant Counties. This new undesignated head will be included in a proposed new Subchapter G, concerning consumer-related 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 pro-

posed 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 §115.612, concerning control requirements, specifies the applicable sales restriction on specified products. The proposed new §115.613, concerning alternate control requirements, provides for executive director approval for the use of alternate technology which will result in equivalent volatile organic compounds (VOC) emission reductions. The proposed new §115.615, concerning testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable controls or exemptions. The proposed new §115.617, concerning exemptions, specifies the types of products which are exempted from the requirements of these sections. The proposed new §115.619, concerning counties and compliance schedules, requires all affected facilities to be in compliance in accordance with all pending schedules.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Les Montgomery, director of technical support and regulation development program, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing 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. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

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.

§115.612. Control Requirements. For persons in the counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules), no person may sell or offer for sale automobile windshield washer fluids which contain volatile organic compounds as an active ingredient, solvent, or any other component.

§115.613. Alternate Control Requirements. For all affected persons in the counties referenced in §115.619 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.

§115.615. Testing Requirements. For the counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules), compliance with §115.612 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) Test Method 24A (40 Code of Federal Regulations 60, Appendix A) for the determination of volatile matter content and density of printing inks and related coatings; or

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

§115.617. Exemptions. For persons in the counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules), the following products are exempt from the provisions of §115.612 of this title (relating to Control Requirements):

(1) products purchased by and delivered to a retail outlet in affected counties prior to December 31, 1988;

(2) products sold or offered for sale to wholesale outlets for distribution and sale to consumers outside of affected counties;

(3) products sold or offered for sale to retail outlets located outside of affected counties; and

(4) windshield washer fluids used exclusively in new vehicles prior to initial sale.

§115.619. Counties and Compliance Schedules. All affected persons within Dallas and Tarrant Counties shall be in compliance with this undesignated head (concerning consumer solvent products), as soon as practicable but no later than December 31, 1989.

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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Executive Director
Texas Air Control Board

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

Subchapter J. Administrative Provisions

Alternate Means of Control

• 31 TAC §115.910

The Texas Air Control Board (TACB) proposes new §115.910, concerning alternate means of control, which contains the provisions of existing §115.401, concerning alternate means of control. This new undesignated head will be included in a proposed new Subchapter J, concerning administrative provisions. While in most instances the proposal does not involve new requirements, the section has 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 §115.910, concerning procedure, specifies the procedure for applying for executive director approval for the use of alternate technology which will result in equivalent volatile organic compound (VOC) emission reductions. Furthermore, this proposal stipulates that executive director approval does not necessarily satisfy federal requirements where federal approval may also be required.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed section is in effect there will be no fiscal implications for state or local governments, or small businesses, as a result of enforcing or administering the section.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, has determined that for each of the first five years the section as proposed is in effect, the public benefit anticipated as a result of implementing the section 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