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Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text.** [Brackets] indicate deletion of existing material within a section.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter E. Solvent-Using Processes Surface Coating Processes

• 31 TAC §§115.421, 115.425, 115.429

The Texas Air Control Board (TACB) proposes amendments to §§115.421, 115.425, and 115.429, concerning surface coating processes. The proposal is made in order to respond to a request for rulemaking from General Motors Corporation (GM). This request was made in order to enable GM and the Environmental Protection Agency (EPA) to carry out the terms of their settlement agreement which concerns the primer surfacer, topcoat, and final repair operations at the GM Arlington, lacquer paint shop facility. No other facility would be affected by this proposed amendment. The amendment would allow GM to emit a higher level of volatile organic compounds (VOCs) from certain coating applications by averaging in lower VOC emissions from other coating applications. The overall emissions from the GM plant would remain the same.

The proposed new §115.421(8)(A), concerning emission specifications, establishes alternate means of determining compliance with the emission limits for VOCs from primer surfacer, topcoat, and final repair applications at automobile and light-duty truck manufacturing facilities. The proposed new §115.425(3), concerning testing requirements, identifies federally approved test methods and procedures to be used to determine compliance with applicable emission limitations. The proposed new §115.429(2)(E), concerning counties and compliance schedules, establishes the final compliance dates for alternate emission specifications in Tarrant County.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed 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, P.E., 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 greater flexibility for a major Tarrant County employer in meeting emissions limitation requirements at no air quality cost to county residents. There will be no effect on small businesses as a result of enforcing the sections. The only expected cost to the business required to implement the proposed measures is associated with increased recordkeeping requirements and is estimated to be $5,000 per year for the next five-year period. There will be no anticipated economic cost to persons who are required to comply with the sections as proposed.

The public hearing will be held at 7 p.m. on April 25, 1990, at the Arlington City Council Chambers located at 101 East Abram, Arlington.

Copies of the proposed sections are available at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723 and at the Fort Worth regional office located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116. Public comment, both oral and written, on the proposed changes is invited at the hearing. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on April 27, 1990, will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382. 017(a), which provides the TACB with the authority to make rules and regulations consistent with the policy and purposes of the TCAA.

§115.421. Emission Specifications. No person in the counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.010 of this title (relating to Definitions) affected by paragraphs (1)-(11) of this section to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to the application systems, except for those in paragraph (10) of this section which are based on paneling surface area, and those in paragraph (11) of this section which are based on the VOC content of architectural coatings sold or offered for sale.

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

(8) **Automobile and light-duty truck coating.**

(A) The following VOC emission limits shall be achieved for all automobile and light-duty truck manufacturing, on the basis of solvent content per gallon of coating (minus water) delivered to the application system **or for primer surfacer and top coat application, compliance may be demonstrated on the basis of solvent content per gallon of solids deposited as determined by §115.425(3) of this title (relating to Testing Requirements).**

VOC Emission Limitation

Operation (including application, flashoff, and oven areas)	Coating delivered (minus water) lb/gal	Coating delivered (minus water) kg/liter	Solids deposited lb/gal	Solids deposited kg/liter
prime application (body and front-end sheet metal)	1.2	0.15	N/A	N/A
primer surfacer application	2.8	0.34	15.1	1.81
topcoat application	2.8	0.34	15.1	1.81
final repair application	4.8	0.58	*	*

*As an alternative to the emission limitation of 4.8 pounds of VOC per gallon of coating applied for final repair, if a source owner does not compile records sufficient to enable determination of a daily weighted average VOC content, compliance with the final repair emission limitation may be demonstrated each day by meeting a standard of 4.8 pounds of VOC per gallon of coating (less water) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance with the procedure specified in §115.425(3) of this title relating to Testing Requirements).

[Operation (including application, flashoff, and oven areas)	VOC Emission Limitation pounds per gallon	VOC Emission Limitation 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)-(C) (No change.)

(9)-(11) (No change.)

§115.425. Testing Requirements. For the counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules), the following testing requirements shall apply.

(1) Compliance with §115. 421 of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(A)-(C) (No change.)

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

[(E) Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations; or]

(E)[(F)] minor modifications to these test methods approved by the executive director.

(2) (No change.)

(3) Compliance with the alternative emission limits in §115.421(8)(A) of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(A) Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations (EPA 450/3-88-018); or

(B) the procedure contained in this paragraph for determining daily compliance with the alternative emission limitation in §115.421(8)(A) of this title (relating to Emission Specifications) for final repair. Calculation of occurrence weighted average for each combination of repair coatings (primer, specific basecoat, clearcoat) shall be determined by the following procedure:

***(i)* The characteristics identified as follows, which are represented in the following equations by the variables shown, are established for each repair material as sprayed.**

	Prime	Basecoat	Clearcoat
VOC (lb/gal [minus water]) -	Vp	Vb	Vc
Vol solids of coating - minus water (%)	Sp	Sb	Sc
Target dry film build - (mils)	Tp	Tb	Tc

(ii) **The relative occurrence weighted usage is calculated as follows:**

Relative Primer Usage (Up)

$$Up = Tp \times (100/Sp)$$

Relative Basecoat Usage (Ub)

$$Ub = Tb \times (100/Sb)$$

Relative Clearcoat Usage (Uc)

$$Uc = Tc \times (100/Sc)$$

(iii) **The occurrence weighted average (Q) in pounds of VOC per gallon of coating (minus water) as applied for each potential combination of repair coatings is calculated as follows:**

$$Q = \frac{(Up \times Vp) + (Ub \times Vb) + (Uc \times Vc)}{(Up) + (Ub) + (Uc)}$$

§115.429. 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 surface coating processes) in accordance with the following schedules:

(1) (No change.)

(2) the following additional compliance schedules.

(A)-(D) (No change.)

(E) All affected persons in Tarrant County shall be in compliance with §115. 421(8)(A) of this title (relating to Emission Specifications) as soon as practicable but no later than September 30, 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 March 16, 1990.

TRD-9002860 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Earliest possible date of adoption: June 30, 1990

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

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Part VII. Texas Water Well Drillers Board

Chapter 231. Substantive Rules

Licensing Procedures

• 31 TAC §§231.37, 231.41, 231.45

The Texas Water Well Drillers Board (TWWDB) proposes amendments to §§231. 37, 231.41, and 231.45, concerning review of applications for a well driller license; applicant examination fees; and disposition of such applications. The amendments are mandated by House Bill 5, Acts of the 70th Legislature, 1987, which requires each state agency that issues permits to adopt rules, including agency time limits, in regard to processing applications. In compliance with House Bill 5, §3(b), the TWWDB states that based on this agency's actual performance for the prior 12 months, minimum processing time for a license application was 14 days, maximum processing time for a license was 73 days, and median processing time for a license was 30 days. In regard to amending §231. 37, the justification for increasing the time limit from 14 days to 28 days is to give an applicant sufficient time to refile his application prior to the next board meeting. In regard to amending §231.44 and §231.45, the justification is to provide for return of the examination fee in order to comply with House Bill 5, §5(a).

Steve Wiley, chief, drillers board assistance, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Wiley also 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 clarity and some increase in speed of processing applications. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Larry G. Persky, Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-30987. Comments will be accepted 30 days after publication of this amendment in the *Texas Register.*

The amendments are proposed under the Texas Water Well Drillers Act; Texas Civil Statutes, Article 7621(e), §7, which provide the Texas Water Well Drillers Board with the authority to adopt, prescribe, promulgate, and enforce all regulations reasonably necessary to effectuate the provisions of the Act and is in response to House Bill 5, §5(a).

§231.37. Application.

(a)-(b) (No change.)

(c) The application must be received by the commission **28** [14] days