

Texas Register

Volume 15, Number 51, July 6, 1990

Pages 3825-3878

In This Issue...

Emergency Sections

Texas Department of Health

3835-Maternal and Child Health Services

Proposed Sections

Texas Department of Commerce

3837-Texas Exporters Loan Fund

3839-Texas Rural Economic Development Fund

Statewide Health Coordinating Council

3841-Health Planning and Resource Development

Comptroller of Public Accounts

3841-Tax Administration

Texas Youth Commission

3842-Administrative Provisions

3843-Admission and Placement

3844-Treatment Program Planning

3844-Youth Rights and Remedies

3847-Discipline and Control

3848-General Provisions

Texas Department of Human Services

3849-Day Activity and Health Services

Withdrawn Sections

Texas Department of Health

3851-Maternal and Child Health Services

3851-Nurse Aides

Adopted Sections

Texas Department of Health

3853-Texas Board of Health

3853-Chronic Diseases

3853-Communicable Diseases

3855-Registry for Providers of Health-related Services

3856-Nurse Aides

Texas Air Control Board

3857-Control of Air Pollution from Volatile Organic Compounds

Texas Department of Human Services

3859-Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF)

3860-Pharmacy Services

Open Meetings

3861-Texas Department of Agriculture

3861-Texas Antiquities Committee

3861-Texas Board of Criminal Justice

3861-Texas Education Agency

3862-Advisory Commission on State Emergency Communications

3862-Texas Employment Commission

3862-Texas State Board of Registration for Professional Engineers

3863-Texas Growth Fund

3863-Texas Department of Health

3863-Texas Health and Human Services Coordinating Council

3863-Texas Housing Agency

3863-State Board of Insurance

3863-Texas Health Insurance Risk Pool

3864-The Joint Select Committee

CONTENTS CONTINUED INSIDE

Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, §§4201-4214, which requires the Texas Board of Health through an agreement with the Texas Department of Human Services to adopt rules implementing a nurse aide registry and training and competency evaluation of nurse aides; and Health and Safety Code, §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health and the commissioner of health.

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 July 2, 1990.

TRD-9006659 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: July 23, 1990

Proposal publication date: February 13, 1990

For further information, please call: (512) 458-7539

TITLE 31. NATURAL RESOURCES AND CON- SERVATION

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) adopts amendments to §§115.421, 115.425, and 115.429. Section 115.421 is adopted with changes to the proposed text as published in the March 23, 1990, issue of the *Texas Register* (15 TexReg 1617). Sections 115.425 and 115.429 are adopted without changes and will not be republished.

Section 115.421, concerning emission specifications, allows compliance with the emission specifications for primer surfacer and topcoat operations at automobile and light-duty truck manufacturing facilities to be determined by emissions of volatile organic compounds per gallon of solids deposited. The emission specifications for final repair operations have also been modified to allow compliance to be demonstrated on a daily occurrence weighted average basis. Section 115.425, concerning testing requirements, identifies the United States Environmental Protection Agency (EPA) approved test methods which must be used to determine compliance. Section 115.429, concerning counties and compliance schedules, establishes September 30, 1990, as the final

compliance date for affected facilities in Tarrant County.

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.

A public hearing was held April 25, 1990, in Arlington to receive testimony regarding the proposed revisions. Testimony was received from three commenters representing EPA, General Motors Corporation (GM), and an interested citizen. All of the commenters may be categorized as against the proposal.

One commenter, a private citizen, questioned whether best available control technology was being required to control emissions at the GM facility. The control requirements in Regulation V are actually based on reasonably available control technology (RACT). GM has been and will continue to be controlling its emissions beyond both RACT and Regulation V requirements. GM uses electrostatic paint spray guns in its primer surfacer operations that achieve 80-85% transfer efficiency, exceeding the Regulation V transfer efficiency set at an assumed minimum of 30%. The emissions from the topcoat operations are vented to incinerators with destruction efficiencies above 95%. This level of control at the GM facility will not be decreased due to the revisions.

All three commenters questioned either the wording or the intent of the rule. A private citizen objected to the revision on the grounds of adverse health effects caused by the revision. EPA generally supported the changes made to the regulation, however, they expressed concern that the preamble to the rule was misleading because it implied that the change involved an emissions trade. EPA contended that the proposed revisions did not allow, nor have anything to do with, emissions trading. GM suggested changing the wording in the paragraph containing the volatile organic compounds (VOC) emission limitation table from "solvent content" to "VOC emissions" to be consistent with the table and EPA's "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations." The revisions to the surface coating regulation will not increase emissions of VOC from GM's facility. Thus, there is no health impact resulting from the proposal. The revisions are intended to allow GM to record solvent use on a solids basis for the primer surfacer and topcoat applications and on an occurrence weighted average basis for final repair application. These are equivalent emission limits to those presently used which are based on solvent per gallon of coating delivered to the application system. There was no intent to describe the proposed revision as an emissions trade. The sole purpose of that part of the preamble is to characterize the settlement agreement between GM and EPA and to describe the emissions changes that would result. GM's suggested wording change clarifies that compliance will be determined by VOC emissions and not solvent content when using EPA's "Protocol" for primer surfacer and topcoat applications, and

appears to be a reasonable change.

EPA and GM questioned the terms used to specify the emission limits. EPA stated that the post-87 state implementation plan requires the use of a solids basis for surface coating emission limits. EPA also stated that emission limits should be calculated in terms of pounds of VOC per gallon of coating after removing the exempt solvents as well as the water from the calculations. EPA acknowledged that, in this case, no such exempt solvents will be used. They did state that this requirement should be incorporated in future rulemaking. GM suggested that compliance be based on VOC emissions, rather than solvent content. GM also suggested that the titles on the "VOC Emission Table" be expanded to indicate that compliance may be demonstrated by meeting one of the limits. The revisions to the surface coating rule will allow GM to calculate its emission limits based on the settlement agreement reached between EPA and GM. The TACB handles exempt solvents through the definition of VOC. The TACB agrees with EPA that the term "exempt solvent" is not necessary in this case since GM does not use exempt solvents at its Arlington facility. The TACB surface coating regulations are based on EPA guidance documents that limit surface coatings by solvent content. The reason for regulating surface coatings by solvent content is because solvent content determines the total VOC emissions potential from the surface coating. The regulation clearly states that compliance determinations relative to solvent content limits for primer surfacer and topcoat operations may be based on one of two possible determinations, one based on solvent content per gallon of coating and the other based on VOC emissions per gallon of solids deposited.

GM supported the proposed compliance date and stated that the company's new basecoat/clearcoat paint shop, which is under construction, will comply with both the permit requirements and the new Regulation V requirements. The staff acknowledges that GM is in the process of requesting permit amendments that will conform to the proposed revisions in Regulation V.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to adopt rules 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 VOC emissions 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)		Solids deposited	
	lb/gal	kg/liter	lb/gal	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).

(B)-(C) (No change.)

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

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 July 2, 1990.

TRD-9006651 Lane Hartsock
 Acting Director, Planning and Development Program
 Texas Air Control Board

Effective date: July 23, 1990

Proposal publication date: March 23, 1990

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