

(B) If the executive director of the Texas Air Control Board determines that there is an excessive number of leaks in any given process, he may require an increase in the frequency of monitoring for that process.

§115.345. Testing Requirements. For the counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules), compliance with this undesignated head shall be determined by applying the following test methods, as appropriate:

(1) Test Method 21 (40 Code of Federal Regulations 60, Appendix A) for determining volatile organic compound leaks. The leak detection equipment can be calibrated with methane, propane, or hexane, but the meter readout must be as parts per million by volume (ppmv) hexane;

(2) determination of true vapor pressure using the American Society of Testing and Materials Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual operating temperature in accordance with API Publication 2517, Third Edition, 1989; or

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

§5.349. Counties and Compliance Schedules. All affected persons in Harris County shall be in compliance with this undesignated head (concerning fugitive emission control in natural gas/gasoline processing operations) in accordance with all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates).

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.

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

Subchapter E. Solvent-Using Processes

Degreasing Processes

• 31 TAC §§115.412, 115.413, 115.415-115.417, 115.419

The Texas Air Control Board (TACB) adopts new §§115.412, 115.413, 115.415-115.417, and 115.419. Section 115.415 and §115.419,

are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3662). Sections 115.412, 115.413, 115.416, and 115.417 are adopted without changes and will not be republished.

The new §115.412, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.413, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.415, concerning testing requirements, identifies the test methods which must be used to determine compliance and enables the TACB executive director to approve minor modifications to the methods. The new §115.416, concerning recordkeeping requirements, describes the information which must be maintained by affected facilities in order to ensure continuous compliance and improve the effectiveness of enforcement. The new §115.417, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.419, concerning counties and compliance schedules, establishes the final compliance dates for applicable controls in specified counties. These sections are part of a series of additions to Chapter 115 proposed primarily to satisfy United States Environmental Protection Agency (EPA) requirements for Phase I of the Post-1987 State Implementation Plan revisions for ozone. The TACB also has adopted a comprehensive restructuring of Chapter 115 to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years.

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. Four commenters opposed the proposal, while no one testified in support.

One individual suggested the term "splashing", found in §115.412(1)(D), be defined as solvent breaking the vapor barrier at the lower freeboard limit. The proposed rule prohibits solvent from exceeding the acceptable freeboard limit. No additional clarification to this provision appears warranted.

One individual suggested that operators of cold cleaners be required to keep records of the amount of volatile organic compounds (VOC) used and emitted. Two individuals suggested removing all proposed exemptions for cold solvent degreasers. Recordkeeping requirements are intended to ensure compliance with applicable control requirements within a rule. No quantitative emission limitations are stipulated for cold solvent cleaners which would warrant actual emissions testing or recordkeeping. Since the control requirements are based on equipment specifications rather than specific emission limitations, records required concerning

maintenance of necessary control devices appear sufficient to document compliance. The exemptions are provided in the Control Technique Guidelines for cold solvent cleaning operations published by EPA because the affected operations do not represent a significant source of VOC emissions.

One individual questioned the exemption in §115.417(1) which allows external drainage systems for solvents with a vapor pressure under 0.6 pounds per square inch absolute (psia), while the control requirement in §115.412(1) (A)(i) requires a cover for cleaners using solvent with a vapor pressure of greater than 0.3 psia. The exemption in §115.417(1) for internal drainage systems is allowed for parts that are too large to fit within a degreaser with an internal drainage system or when using a solvent with a true vapor pressure no greater than 0.6 psia. While the product being cleaned may be allowed to air dry externally, the solvent must still be "kept closed whenever parts are not being handled in the cleaner," in accordance with the control requirement. This is consistent with the requirements in §115.412(1)(A)(i) for solvents with a true vapor pressure of 0.3 psia.

One commenter, EPA, suggested revising the exemption specified in §115.417(3) to remove the 550 pound per day (lb/day) exemption for sources in El Paso County. Removal of the 550 lb/day exemption was not needed to demonstrate attainment in El Paso County. However, lower exemption levels for degreasing operations can be considered in subsequent rulemaking.

One commenter, the City of Fort Worth, suggested the phrase "relating to Vent Gas Control" found in §115.419 does not fit in this rule. The TACB staff concurs with the City of Fort Worth and will remove this typographical error.

The new sections are adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to make rules consistent with the policy and purposes of the TCAA.

§115.415. Testing Requirements. For the counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules), the following testing requirements shall apply.

(1) Compliance with §115.412(1) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as applicable:

(A) determination of true vapor pressure using American Society of Testing and Materials Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(B) minor modifications to these test methods and procedures approved by the executive director.

(2) Compliance with §115.412(2)(D)(iv) and (3) (A)(ii) of this title (relating to Control Requirements) and §115.413(2) of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

(B) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

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

(D) 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; or

(E) minor modifications to these test methods and procedures approved by the executive director.

§115.419. 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 degreasing processes, in accordance with the following schedules.

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All affected persons shall be in compliance with the provisions of §115.416 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.

(3) All affected persons in Dallas and Tarrant Counties required to implement controls as a result of the loss of the exemption as specified in §115.417(8) of this title (relating to Exemptions) shall be

in compliance as soon as practicable but no later than August 31, 1990.

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.

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Surface Coating Processes

• 31 TAC §§115.421-115.423, 115.425-115.427, 115.429

The Texas Air Control Board (TACB) adopts new §§115.421-115.423, §§115.425-115.427, and §115.429. Sections 115.425, 115.427, and 115.429 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3665). Sections 115.421-115.423 and 115.426 are adopted without changes and will not be republished.

The new §115.421, concerning emission specifications, establishes the maximum volatile organic compound (VOC) content for specified coatings. The new §115.422, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.423, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.425, concerning testing requirements, identifies the test methods which must be used to determine compliance and enables the TACB executive director to approve minor modifications to the methods. The new §115.426, concerning recordkeeping requirements, describes the information which must be maintained by affected facilities in order to ensure continuous compliance and improve the effectiveness of enforcement. The new §115.427, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.429, concerning counties and compliance schedules, establishes the final compliance dates for applicable controls in specified counties. These sections are part of a series of additions to Chapter 115 proposed primarily to satisfy United States Environmental Protection Agency (EPA) requirements for Phase I of the Post-1987 State Implementation Plan revisions for ozone. The TACB also has adopted a comprehensive restructuring of Chapter 115 to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years.

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. Five commenters opposed the proposal, while no one testified in support.

One commenter, EPA, stated that compliance with all applicable surface coating emission limits must be achieved on a line-by-line basis. EPA has advocated a very narrow concept for the definition of a line that includes only the apparatus necessary to apply coatings to a single product unit. The TACB staff has interpreted the definition of line in a broader way, to include all the apparatus at a facility used to produce similar products which are covered by the same coating limitation. This distinction is important when averaging emissions from compliant and non-compliant coatings at a single facility to demonstrate overall daily compliance with the rule. This broader interpretation provides for the emission reductions expected from the rule if all coatings used satisfied the applicable emission limits, while allowing a facility to use a limited amount of higher solvent coatings for specialty purposes. EPA's more limited interpretation severely limits or eliminates this flexibility with no significant air quality benefit.

Three commenters, EPA, General Motors Corporation (GM), and one individual, suggested that the amount of exempt solvents be subtracted during the calculation to determine compliance of a specific coating or, alternatively, that all emission limitations be established on a pounds per gallon of solids basis. The commenters also supported the requirement that all equivalency determinations be based on a solids basis. Subtracting exempt solvents from the proposed coating limitations, expressed in pounds of VOC per gallon of coating (minus water), would substantively change the control requirements of the rule and directly contradict previously approved board orders which depend on the substitution of exempt solvents. However, a complete conversion of the coating limitations to a solids basis would satisfy the commenters' concerns and would characterize actual VOC emissions more clearly. This option will be evaluated in the future and may be considered in subsequent rulemaking, if appropriate. Equivalency determination will continue to be computed on a solids basis.

One individual suggested that in situations where two limitations may apply, the most stringent, rather than the least stringent, should be required. Compliance determinations typically are based on the most stringent applicable control limitation for a specific facility or source category. However, higher VOC limits must be allowed for miscellaneous metal parts coating processes which utilize specialized application methods or must exhibit specialized qualities in order to satisfy their intended purposes. If the more stringent, lower solvent, coating limitation was required, these specialized coatings could no longer be used, and the desired or necessary product quality would suffer.

One commenter, EPA, indicated that organosols and plastisols cannot be considered as a vinyl coating and cannot be used in averaging emissions in order to