

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

§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, except those specified in paragraph (2) of this section, which when uncontrolled emits a combined weight of volatile organic compounds (VOC) less than 100 tons (91 metric tons) in one year (based on historical ink and VOC 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 VOC 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 February 1, 1990, 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 Record Keeping 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 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 January 26, 1990.

TRD-9000964 Allen Ell Bell
Executive Director
Texas Air Control Board

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

Subchapter F. Miscellaneous Industrial Sources

Cutback Asphalt

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

The Texas Air Control Board (TACB) adopts new §§115.512, 115.513, 115.515-115.517, and 115.519. Section 115.515 and §115.519 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3671). Sections 115.512, 115.513, 115.516, and 115.517 are adopted without changes and will not be republished.

The new §115.512, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.513, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.515, 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 §115.516, 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

§115.517, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.519, 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 11 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. Three commenters opposed the proposal, while no one testified in support.

Two commenters, the Sierra Club and one individual suggested cutback asphalt be more tightly controlled including a ban on the use of cutback asphalt by private companies and public agencies. Another commenter, EPA, suggested that the summertime ban on the use of cutback asphalt should apply to Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties. The control on cutback asphalt in all counties except Dallas and Tarrant Counties is primarily directed at the use or contract for use of cutback asphalt by governmental agencies. The TACB staff believes that this accounts for the majority of cutback asphalt used in the affected urban areas. The control strategy for Dallas and Tarrant Counties further prohibits the sale of cutback asphalt during the control period, effectively restricting the availability of the material to all potential users. Extending this additional control of cutback asphalt into additional counties would require additional rulemaking. This control option will be studied in the future and may be incorporated into control strategies for these areas, if appropriate.

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.

§115.515. 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) American Society of Testing and Materials Test Method D 244 for determining volatile organic compound content of asphalt emulsions; or

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

§115.519. Counties and Compliance Schedules. All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Tarrant Counties shall be in compliance with this undesignated head concerning cutback asphalt, 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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Perchloroethylene Dry Cleaning Systems

• 31 TAC §§115.521-115.527, 115.529

The Texas Air Control Board (TACB) adopts new §§115.521-115.527 and 115.529. Sections 115.522, 115.525, and 115.529 are adopted with changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3673). Sections 115.521, 115.523, 115.524, 115.526, and 115.527 are adopted without changes and will not be republished.

The new §115.521, concerning emission specifications, establishes the maximum level of acceptable emissions from specified sources. The new §115.522, concerning control requirements, defines the type of control or technologies required to achieve necessary emission reductions. The new §115.523, concerning alternate control requirements, enables the TACB executive director to approve substantially equivalent control technologies under specific conditions. The new §115.524, concerning inspection requirements, identifies the components needing inspection and the frequency they are to be inspected. The new §115.525, 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 §115.526, 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 §115.527, concerning exemptions, specifies the conditions necessary to qualify for exemption from certain control requirements. The new §115.529, 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 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 a 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. Three commenters opposed the proposal, while no one testified in support.

One individual suggested that §115.522(3) require all filtration cartridges be drained and then stored in air-tight containers prior to disposal. He also suggested inspections include the use of vapor monitors for leak detection. The proposed §115.522(2) requires waste material be stored in vapor-tight containers before disposal with the intent that this apply to all waste material including spent filters. To clarify this intent and to ensure proper handling of all waste material, a paragraph (4) may be added to stipulate more clearly that all solvent contaminated waste material must be stored in vapor-tight containers prior to proper disposal. Monitoring for fugitive leaks is not a control techniques guideline requirement for this source category.

One commenter, El Paso City-County Health District, supports the addition of inspection, testing, and recordkeeping requirements in El Paso County. They also suggested removing the exemptions in §115.527(2) for El Paso. The Sierra Club and an individual also opposed the 550 pound per day exemption and suggested a 10 tons per year or less exemption in its place. The additional requirements and revisions to exemption criteria suggested are beyond the scope of the current rulemaking, but may be considered in subsequent rulemaking.

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.

§115.522. 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 (VOC);

(2) reduce the VOC from all solvent stills to 60 weight percent or less of wet waste material;

(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 VOC to the atmosphere; and

(4) store all solvent-contaminated waste materials in vapor-tight containers prior to proper disposal.

§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 determining flow rates, as necessary;

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

(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; or

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

§115.529. 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 Perchloroethylene dry cleaning systems, in accordance with the following schedules:

(1) 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 persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.526 of this title (relating to Recordkeeping Requirements) shall be in compliance as soon as practicable but no later than August 31, 1990; and

(3) all persons required to implement controls as a result of the removal of the exemptions previously granted for inadequate space or insufficient steam capacity shall be in compliance as