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ments because hydrocarbon analyzers often are not effective in detecting leaks of heavier process fluids due to low vapor pressures. Therefore, the amendments should remain as proposed.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

§115.347. Exemption. For the counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Components which contact a process fluid that contains less than 1.0% volatile organic compound (VOC) by weight are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(2) Components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68-Degrees Fahrenheit (20-Celsius) are exempt from the requirements of §115.344 of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(3) Natural gas/gasoline processing units in a temporary nonoperating status and which satisfy the conditions of paragraphs (1) and (2) of this section are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations). All natural gas/gasoline processing operations affected by this paragraph shall notify the Texas Air Control Board of any non-operating process units when they are shut down and dates of any start-ups as they occur.

(4) Processes at the same location but unrelated to the production of natural gas/gasoline processing are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(5) Natural gas/gasoline processing units where the total design throughput at a property is less than 10 million standard cubic feet of gas per day and there is no capability to fractionate the mixed natural gas liquids are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations).

(6) The following items are exempt from the monitoring requirements of §115.344(1) of this title (relating to Inspection Requirements):

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

§115.349. Counties and Compliance Schedules. All affected persons in Harris County shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) in accordance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons affected by §115.347(2) of this title (relating to Exemptions) and the deletion of exemptions for two-inch valves, shall be in compliance with these sections as soon as practicable, but no later than July 31, 1992.

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 June 25, 1991.

TRD-9107572

Lane Hartsack
Director, Planning and
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For further information, please call: (512) 908-1770

Subchapter E. Solvent-Using Processes

Degreasing Processes

• 31 TAC §115.417, §115.419

The Texas Air Control Board (TACB) adopts amendments to §115.417 and §115.419, with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830).

The amendment to §115.417 deletes the three pounds per day exemption in Dallas, El Paso, Harris, and Tarrant Counties. The amendment to §115.419 updates the expired compliance date and adds a new compliance date for new requirements.

Public hearings were held on March 4, 1991, in Beaumont and El Paso and on March 5, 1991, in Houston and Arlington. Testimony was received from three commenters during the comment period. The United States Environmental Protection Agency (EPA) supported the proposed revisions. General Dynamics Corporation (GD) and the City of Dallas opposed the proposed amendments.

Both GD and the City of Dallas opposed the repeal of the three pounds of VOC per day exemption for degreasing operations in Dallas, Tarrant, and Harris Counties. Elimination of this exemption is mandated by EPA despite resource difficulties expressed by the staff regarding enforcement. Inequities noted by GD regarding a 550-pound per day exemption for El Paso degreasing operations will be taken into consideration and are expected to be removed in future rulemaking associated with "leveling the playing field."

EPA noted that although a compliance schedule subsection §115.419(3) is proposed for deletion, it is referred to in §115.417(7), concerning exemptions, which was not proposed for repeal. EPA felt that §115.419(3) should therefore be retained. Due to the deletion of the three pounds per hour exemption in Dallas and Tarrant Counties, it is no longer necessary to retain §115.417(7). Staff deleted both §115.419(3) and §115.417(7).

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

§115.417. Exemptions. For the counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1)-(2) (No change.)

(3) Degreasing operations located on any property in any affected counties except Dallas, El Paso, Harris, and Tarrant which can emit, when uncontrolled, a combined weight of volatile organic compounds (VOC) less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412 of this title (relating to Control Requirements).

(4) Any conveyORIZED degreaser with less than 20 ft² (2 m²) of air/vapor interface is exempt from the requirement of §115.412(3)(A) of this title (relating to Control Requirements).

(5) Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.412(2)(D)(ii) and (iv) of this title (relating to Control Requirements).

(6) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1 kPa) measured at 100 Degrees Fahrenheit (38 Degrees Celsius) and which has a drain area less than 16 in² (100cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(1) of this title (relating to Control Requirements).

§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 (relating to 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 January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All persons in El Paso County affected by the provisions of §115.417(3) of this title (relating to Exemption) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

(3) All person in Dallas, Harris, and Tarrant Counties affected by the deletion of any exemptions from §115.417 of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

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 §§115.421-115.427, 115.429

The Texas Air Control Board (TACB) adopts amendments to §§115.421-115.423, 115.425-115.427, and 115.429, and new §115.424. Sections 115.422, 115.423, 115.426, 115.427, and 115.429 are adopted with changes to the proposed text as published in the February 12, 1991, issue of the *Texas Register* (16 TexReg 830). Sections 115.421, 115.424, and 115.425 are adopted without change and will not be republished.

The amendment to §115.421 modifies the basis of allowable emissions from pounds volatile organic compounds (VOC) per gallon of coating (minus water) to pounds of VOC per gallon of solids for large appliance, furniture, coil, paper, fabric, vinyl, can, and miscellaneous metal parts and products coatings. The amended allowable emissions are equivalent to those used in the previous version of the rule. The applicability of the limitations were changed from the application system to each coating line to provide for "line by line" compliance as required by the United States Environmental Protection Agency (EPA). Plastisol coatings were added to the limitations for vinyl coating. The phrase "and exempt solvents" was included with water when determining pounds per gallon of coating. In the section on automobile and light-duty truck coating, the assumed transfer efficiency was changed from 30% to 65% and the term "air spray applicator or equivalent" changed to "all application equipment" to meet EPA requirements.

The amendment to §115.422 involves a provision stating that if exemption limits are exceeded after May 31, 1991, requirements of this section become applicable. The amend-

ment to §115.423 adds clarifying language to several subsections. Most substantively, the method to test for capture efficiency of a vapor recovery system was added to paragraph (3), and a cautionary statement was added to paragraph (4) to indicate that EPA approval may be needed for alternate controls.

The amendments to §115.424 adds clarifying language and requires that samples of the coatings for analysis be supplied to TACB, federal, or local program inspectors at no cost. The amendments to §115.425 and §115.426 correct respective referenced citations. The requirement to continuously monitor carbon adsorption bed exhaust to determine if breakthrough has occurred is also added to the latter section.

The amendment to §115.427 involves deleting an obsolete exemption and correcting all citation references. EPA also requires that the documentation required to qualify for an exemption be approved by both the TACB executive director and EPA. The amendment to §115.429 updates the expired compliance date and adds new compliance date for new requirements.

Public hearings were held on March 4, 1991, in Beaumont and El Paso and on March 5, 1991, in Houston and Arlington. Testimony was received from eight commenters during the comment period. EPA and one individual supported the proposed revisions. Six commenters opposed the proposed amendments. They were the LTV Aerospace and Defense Company (LTV), General Dynamics Corporation (GD), Mobil Oil Corporation (Mobil), the Texas Chemical Council (TCC), the United States Air Force (USAF), and the City of Dallas.

The intent of the "once in, always in" provision is that once a facility is required to implement applicable control measures, the facility needs to remain subject to controls even if emissions or throughput later fall below applicable exemption limits. In response to an EPA requirement, this provision was proposed for rules concerning surface coating. Five commenters submitted remarks concerning these proposed amendments. Of the five, one simply indicated approval of the philosophy. Two commenters, Mobil and TCC, requested clarification on whether a facility which must be in compliance with control requirements must maintain the controls because of the amendments, and whether the controls are to be operated only during times when exemption levels would be exceeded. The staff agreed and modified the wording to more clearly establish that once a facility exceeds an exemption level and must utilize controls, the facility will be required to maintain the controls even if emissions or throughput are later sustained at a level below any applicable exemption limit.

Four commenters, LTV, GD, Mobil, and TCC, were concerned that the amendments would result in the loss of exemption status for "a single excursion," "the smallest violation," or due to upsets or maintenance activities. Although it is not entirely clear what is meant by a single excursion or a small violation, the staff agrees that EPA's intent with the provision is to require a source exceeding the applicable exemption level to implement controls. This, however, would not include uncontrollable, short-term upsets or planned

maintenance activities. Additionally, Mobil and TCC wanted a definition of exceedance. The regulation previously held and continues to hold the implicit understanding that upsets and maintenance were to be handled by TACB rules dealing with these issues and not by this regulation, unless otherwise specifically stated. If an exceedance is not an upset, e.g. it is caused by an increase in production, then the source is subject to the control requirements. Each exceedance will need to be evaluated on a case-by-case basis to determine whether it was an upset. Therefore, the staff does not recognize the need to define the term.

LTV, GD, Mobil, and TCC also indicated concern that the amendments required immediate compliance with the control requirements upon exceedance of the exemptions. The staff position is that applicable control measures are to be in place prior to changes in operation or equipment that will result in increasing emissions or throughput. Additionally, LTV commented that the date of May 31, 1991, conflicted with other dates in the rules. In the modified wording for these proposed amendments, the date is removed because the intent is that this provision should be applicable upon the effective date of the rules. Furthermore, reference to "once in, always in" in the compliance date section in each of the applicable undesignated heads is recommended for deletion. The staff believes that these compliance date are unnecessary since the provision is to become applicable upon the effective date of the rules.

USAF commented that the costs of obtaining line-by-line compliance and implementing changes brought about by new definitions would have extreme implications. The staff agrees that costs are likely to substantially increase as a result of these EPA requirements. Furthermore, the staff believes that refinement of EPA definitions is necessary. Future rulemaking on this subject is anticipated.

GD objected to the changing of baseline transfer efficiency for automobile and light-duty truck refinishers in Dallas and Tarrant Counties from 30% to 65% in §115.421(8)(C). This change in transfer efficiency, however, was made per EPA requirements and, therefore, will not be deleted.

EPA commented that the "once in, always in" provision of the surface coating control requirements section should also encompass the emissions specifications section (§115.421). Such changes cannot be made without additional public hearings, since the revision was not part of the current proposal.

The City of Dallas asked for clarification of the purpose of having solvent directed into a container to prevent evaporation as specified by §115.422(1)(C) and §115.421(9)(C). The City of Dallas contends that the VOCs will be emitted at another location and, therefore, no credit should be given for VOC handled as specified. The staff feels that by requiring solvent to be directed into containers, recycling and reuse is promoted, thereby reducing the potential for region wide emissions.

USAF was concerned with the addition of capture efficiency testing to §115.423(3), saying the requirement is burdensome, expensive, and added time delays. The staff amended the wording to clarify that capture