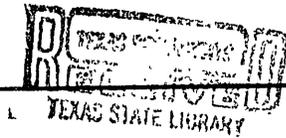


C4



Texas Register

Volume 17, Number 6, January 28, 1992

Pages 641-728

In This Issue...

641 - 31 TAC §§115.242-115.243, 115.245-115.247

641 - 31 TAC §§115.311-115.313, 115.315-115.317, 115.319

643 - 31 TAC §§115.322-115.327, 115.329

646 - 31 TAC §§115.332-115.337, 115.339

647 - 31 TAC §§115.342-115.347, 115.349

648 - 31 TAC §§115.412, 115.413, 115.415-115.417, 115.419

652 - 31 TAC §§115.421-115.427, 115.429

660 - 31 TAC §§115.432, 115.433, 115.435-115.437, 115.439

664 - 31 TAC §§115.512, 115.513, 115.515-115.517, 115.519

665 - 31 TAC §§115.521-115.527, 115.529

667 - 31 TAC §§115.531-115.537, 115.539

670 - 31 TAC §§115.612-115.615, 115.617, 115.619

Texas Department of Human Services

Family Self-support Services

671 - 40 TAC §10.3404 §10.3445

Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

672 - 40 TAC §19.604

Withdrawn Sections

Credit Union Department

Chartering, Operations, Mergers, Liquidations

675 - 7 TAC §91.402

Texas State Board of Public Accountancy

Registration

675 - 22 TAC §513.26

Texas Real Estate Commission

Professional Agreements and Standards Contracts

675 - 22 TAC §§537.11, 537.13, 537.23, 537.28, 537.29, 537.33

Comptroller of Public Accounts

Tax Administration

675 - 34 TAC §3.423

Adopted Sections

Office of the Secretary of State

Corporations

677 - 1 TAC §79.18

CONTENTS CONTINUED INSIDE

VOLUME 17, NUMBER 7, PART II

(1) a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit;

(2) the results of all tests conducted at the facility in accordance with the requirements described in §115.415(b)(2) of this title (relating to Testing Requirements).

§115.17. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(a)(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if a cleaned part cannot fit into an internal drainage facility.

(2) Any cold solvent cleaning system is exempt from the requirements of §115.412(a)(1)(E) of this title (relating to Control Requirements), if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius), or if the solvent is not heated above 120 Degrees Fahrenheit (49 Degrees Celsius).

(3) Until July 31, 1993, degreasing [Degreasing] operations located on any property in Brazoria, Galveston, Jefferson, and Orange Counties [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(a) 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(a)(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(a)(2)(D)(i) 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 (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(1) of this title (relating to Control Requirements).

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(b)(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if a cleaned part cannot fit into an internal drainage facility.

(2) Any cold solvent cleaning system is exempt from the requirements of §115.412(b)(1)(E) of this title (relating to Control Requirements). If the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if the solvent is not heated above 120 Degrees Fahrenheit (49 Degrees Celsius).

(3) Degreasing operations located on any property which can emit, when uncontrolled a combined weight of VOC less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412(b) 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(b)(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 carbon adsorber requirements in §115.412(b)(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 (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(b)(1) of this title (relating to Control Requirements).

§115.419 Counties and Compliance Schedules

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller, Counties shall be in compliance with §115.412(a) of this title (relating to Control Requirements), §115.413(a) of this title (relating to Alternate Control Requirements) §115.415(a) of this title (relating to Testing Requirements) §115.416(a) of this title relating to Recordkeeping Requirements), and §115.417(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

(b) All persons in Brazoria Galveston, Jefferson, and Orange Counties affected by the provisions of §115.417(a)(3) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable but, no later than July 31, 1993.

[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 Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

[(3) All persons 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 proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on January 17, 1992

TRD-9200950 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed of adoption May 15, 1992

For further information, please call (512) 908-1451

◆ ◆ ◆ Surface Coating Processes

• 31 TAC §§115.421-115.427,
115.429

The Texas Air Control Board (TACB) proposes amendments to §§115.421-115.427,

and 115.429, concerning surface coating processes. The proposed changes have been developed in response to a requirement by the U.S. Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed changes to §115.421, concerning emission specifications; §115.422, concerning control requirements; §115.423, concerning alternate control requirements; §115.424, concerning inspection requirements; §115.425, concerning testing requirements; §115.426, concerning Recordkeeping Requirements; and §115.427, concerning exemptions, expand by definition the applicability of the requirements, and remove potentially confusing cross-references. The proposed changes to §115.421 also expand to Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties the applicability of existing control requirements in Dallas and Tarrant Counties for prime coating of the exterior of assembled aircraft and for the sale of architectural coatings. The proposed changes to §115.427, concerning exemptions, expand the applicability of existing control requirements for facilities in Dallas, El Paso, Harris, and Tarrant Counties by eliminating the 550 pound per day exemption in Brazoria, Galveston, Jefferson, and Orange Counties. The proposed changes to §115.429, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the new requirements and the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with the expanded abatement, monitoring, and recordkeeping requirements and are estimated as follows: per facility control unit: \$0 for fiscal year 1992 and \$50,000 for fiscal years 1993-1996; per volatile organic compound monitoring unit: \$0 for fiscal year 1992 and \$15,000 for fiscal years 1993-1996. Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 26, 1992, 6 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488

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

§115.421. Emission Specifications.

(a) No person in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas as defined in §115.10 of this title (relating to Definitions)** [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 §115.10 of this title (relating to Definitions) affected by paragraphs (1) -(11) of this subsection [section] to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection [section] which are based on paneling surface area and those in paragraph (11) of this subsection [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 and exempt solvents) 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(a)(3) of this title (relating to Testing Requirements).

VOC Emission Limitation

Operation (including application, flashoff, and oven areas)	Coating delivered (minus water and exempt solvent)		Solids deposited	
	<u>lb/gal</u>	<u>kg/liter</u>	<u>lb/gal</u>	<u>kg/liter</u>
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 (minus water and exempt solvents) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance with the procedure specified in §115.425(a)(3).

(B) In Dallas and Tarrant Counties, VOC emissions from the coatings or solvents used in automobile and truck refinishing shall be based on an assumed, 65% [30%] transfer efficiency from all application equipment, unless otherwise specified in an alternate means of control approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control), and shall not exceed the following limits, as delivered to the application system:

(i)-(vii) (No change.)

[(C) The assumed transfer efficiency of subparagraph (B) of this paragraph shall become 65% in accordance with the schedule set forth in §115.429(2)(A).

(C) [(D)] Additional control requirements for automobile and truck refinishing operations are referenced in §115.422 of this title (relating to Control Requirements).

(9) Miscellaneous metal parts and products coating.

(A) VOC emissions from the coating of miscellaneous metal parts and products shall not exceed the following limits for each surface coating type:

(i)-(iv) (No change.)

(v) In Dallas and Tarrant Counties, and after July 31, 1993 in counties other than Dallas and Tarrant, 6.7 pounds per gallon (0.81 kg/liter) of solids delivered to the application system as a prime coat for the exterior of aircraft [in Dallas and Tarrant Counties].

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

(10) (No change.)

(11) Architectural coating. In

Dallas and Tarrant Counties, and after July 31, 1993 in counties other than Dallas and Tarrant, the [The] VOC content of any coating sold or offered for sale as an architectural coating shall have the date of manufacture clearly marked on each container and shall not exceed the following limits:

(A)-(I) (No change.)

(b) No person in the Gregg, Nueces, and Victoria Counties may cause, suffer, allow, or permit VOC emissions from the surface coating processes as defined in §115.10 of this title (relating to Definitions) affected by paragraphs (1) - (10) of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area.

(1) Large appliance coating. VOC emissions from the application, flashoff, and oven areas during the coating of large appliances (prime and topcoat, or single coat) shall not exceed 4.5 pounds per gallon of solids delivered to the application system (0.54 kg/liter).

(2) Furniture Coating. VOC

emissions from metal furniture coating lines (prime and topcoat, or single coat) shall not exceed 5.1 pounds per gallon of solids delivered to the application system (0.61 kg/liter).

(3) Coil coating. VOC emissions from the coating (prime and topcoat, or single coat) of metal coils shall not exceed 4.0 pounds per gallon of solids delivered to the application system (0.48 kg/liter).

(4) Paper coating. VOC emissions from the coating of paper (or specified tapes or films) shall not exceed 4.8 pounds per gallon of solids delivered to the application system (0.57 kg/liter).

(5) Fabric coating. VOC emissions from the coating of fabric shall not exceed 4.8 pounds per gallon of solids delivered to the application system (0.57 kg/liter).

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets shall not exceed 7.9 pounds per gallon of solids delivered to the application system (0.95 kg/liter). Plastisol coatings should not be included in calculations.

(7) Can coating. The following VOC emission limits shall be achieved, on the basis of solvent content per gallon of solids delivered to the application system.

VOC Emission Limitation

<u>Affected Operation</u>	<u>pounds per gallon</u>	<u>kg per liter</u>
	<u>of solids</u>	<u>of solids</u>
<u>sheet basecoat (exterior and interior) and over-varnish</u>	<u>4.5</u>	<u>0.54</u>
<u>two-piece can exterior (basecoat and over-varnish)</u>	<u>4.5</u>	<u>0.54</u>
<u>two- and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)</u>	<u>9.8</u>	<u>1.17</u>
<u>three-piece can side-seam spray</u>	<u>22</u>	<u>2.64</u>
<u>end sealing compound</u>	<u>7.4</u>	<u>0.89</u>

(8) Miscellaneous metal parts and products coating.

(A) VOC emissions from the coating of miscellaneous metal parts and products shall not exceed the follow-

ing limits for each surface coating type:

(i) 10.2 pounds per gallon (1.23 kg/liter) of solids delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;

(ii) 6.7 pounds per gal-

lon (0.81 kg/liter) of solids delivered to the application system that utilizes air or forced air driers;

(iii) 6.7 pounds per gallon (0.81 kg/liter) of solids delivered to the application system as an extreme performance coating, including chemical milling maskants; and

(iv) 5.1 pounds per gallon (0.61 kg/liter) of solids delivered to the application system for all other coating applications that pertain to miscellaneous metal parts and products.

(B) If more than one emission limitation in subparagraph (A) of

this paragraph applies to a specific coating, then the least stringent emission limitation shall apply.

(C) All VOC emissions from non-exempt solvent washings shall be included in determination of compliance with the emission limitations in

subparagraph (A) of this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(9) Factory surface coating of flat wood paneling. The following emission limits shall apply to each product category of factory-finished paneling (regardless of the number of coats applied).

VOC Emission Limitation

<u>Product Category</u>	<u>lb VOC/1000 ft²</u> <u>of coated surface</u>	<u>kg VOC/100 m²</u> <u>of coated surface</u>
<u>printed interior wall</u>	<u>6.0</u>	<u>2.9</u>
<u>panels made of hardwood</u> <u>plywood and thin particle</u> <u>board (less than 1/4 inch</u> <u>(0.64 cm)) in thickness</u>		
<u>natural finish hardwood</u> <u>plywood panels</u>	<u>12.0</u>	<u>5.8</u>
<u>hardboard paneling</u> <u>with Class II finish</u> <u>(ANSI Standard PS-59-73)</u>	<u>10.0</u>	<u>4.8</u>

§115.422. Control Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)].

(1) In Dallas and Tarrant Counties, any automobile refinishing oper-

ation shall minimize volatile organic compound (VOC) emissions during equipment cleanup by the following procedures:

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

(2) Any surface coating operation that becomes subject to the provisions of §115.421(a) of this title (relating to Emission Specifications) by exceeding the provisions of §115.427(a) of this title (relat-

ing to Exemptions) shall remain subject to the provisions in §115.421(a), even if throughput or emissions later fall below exemption limits.

§115.423. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of

this title (relating to Counties and Compliance Schedules)], the following alternate control techniques may apply.

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

(3) If a vapor recovery system is used to control emissions from coating operations, the capture and abatement system shall be capable of achieving and maintaining emission reductions equivalent to the emission limitations of §115.421(a) of this title (relating to Emission Specifications) and an overall control efficiency of at least 80% of the volatile organic compound (VOC) emissions from those coatings. The owner or operator of any surface coating facility shall submit design data for each capture system and emission control device which is proposed for use to the executive director for approval. Any capture efficiency testing shall be performed in accordance with §115.425(a)(4) of this title (relating to Testing Requirements).

(4) For any surface coating process or processes at a specific property, the executive director may approve requirements different from those in §115.421(a)(9) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When he makes such a determination, the executive director shall specify the date or dates by which such different requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years. Executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency in cases where specified criteria for determining equivalency have not been clearly identified in applicable sections of this chapter.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply.

(1) Emission calculations for surface coating operations performed to satisfy the conditions of §101.23 of this title (relating to Alternate Emission Reduction "Bubble" Policy), §115.910 of this title (relating to Alternate Means of Control), or other demonstrations of equivalency with the specified emission limits in this section shall be based on the pounds of VOC per gallon of solids for all affected coatings.

(2) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria,

such as use of improved transfer efficiency in this section, may be approved by the executive director in accordance with §115.910 if emission reductions are demonstrated to be substantially equivalent.

(3) If a vapor recovery system is used to control emissions from coating operations, the capture and abatement system shall be capable of achieving and maintaining emission reductions equivalent to the emission limitations of §115.421(b) and an overall control efficiency of at least 80% of the VOC emissions from those coatings. The owner or operator of any surface coating facility shall submit design data for each capture system and emission control device which is proposed for use to the executive director for approval.

(4) For any surface coating process or processes at a specific property, the executive director may approve requirements different from those in §115.421(b)(9) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When he makes such a determination, the executive director shall specify the date or dates by which such different requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years, executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency in cases where specified criteria for determining equivalency have not been clearly identified in applicable sections of this chapter.

§115.424. Inspection Requirements.

(a) For the Beaumont/Port Arthur Dallas/Fort Worth, El Paso, and Houston/Galveston Areas counties referenced in §115.429 of this title (relating to [Counties and Compliance Schedules]), the following inspection [testing] requirements shall apply.

(1) All surface coating processes or operations affected by §115.421(a) of this title (relating to Emissions Specifications) must provide samples, without charge, upon request by representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or local air pollution control agency.

(2) All wholesalers and retailers affected by §115.421(a) must provide sam-

ples, without charge, upon request by representatives of the TACB, EPA, or local air pollution control agency.

(3) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following inspection requirements shall apply.

(1) All surface coating processes or operations affected by §115.421(b) must provide samples, without charge, upon request by representatives of TACB, EPA, or local air pollution control agency.

(2) The representative or inspector requesting the sample will determine the amount of coating needed to test the sample to determine compliance.

§115.425. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [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(a) of this title (concerning Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(A)-(E) (No change.)

(2) Compliance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

(A)-(E) (No change.)

(3) Compliance with the alternative emission limits in §115.421(a)(8) (A) shall be determined by applying the following test methods, as appropriate:

(A) (No change.)

(B) The procedure contained in this paragraph for determining daily compliance with the alternative emission limitation in §115.421(a)(8)(A) 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) -(iii) (No change.)

(4) The capture efficiency shall be measured using applicable procedures outlined in 40 Code of Federal Regulations (CFR) Part 52.741, Subpart O, Appendix B. These procedures are:

Procedure T - Criteria for and Verification of a
Permanent or Temporary Total Enclosure

Procedure L - Volatile Organic Compounds (VOC) Input

Procedure G.2 - Captured VOC Emissions (Dilution Technique)

Procedure F.1 - Fugitive VOC Emissions from Temporary
Enclosures

Procedure F.2 - Fugitive VOC Emissions from Building
Enclosures

these test methods approved by the executive director.

(A)-(B) (No change.)

(C) The following conditions must be met in measuring capture efficiency.

(i) (No change.)

(ii) All affected facilities shall accomplish the initial capture efficiency testing by July 31, 1992 in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties, and by July 31, 1993 in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties [the schedule in §115.429].

(iii) (No change.)

(b) For Gregg, Nueces, and Victoria Counties the following testing requirements shall apply.

(1) Compliance with §115.421(b) shall be determined by applying the following test methods as appropriate:

(A) Test Method 24 (40 CFR 60, Appendix A) with a one-hour bake;

(B) ASTM Test Methods D 1186-06, 01, D 1200-06, 01, D 3794-06, 01, D 2832-69, D 1644-75, and D 3960-81;

(C) 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;

(D) additional test procedures described in 40 CFR 60.446; or

(E) minor modifications to

(2) Compliance with §115.423(b)(3) shall be determined by applying the following test methods, as appropriate:

(A) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;

(B) Test Method 25 (40 CFR 60 Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(C) Test Method 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(D) additional performance test procedures described in 40 CFR 60.444; or

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

§115.426. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)], the following recordkeeping requirements shall apply.

(1) Any person affected by §115.421(a) of this title (relating to Emission Specifications) shall satisfy the following recordkeeping requirements.

(A)-(B) (No change.)

(C) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(a)(1) of this title (relating to Testing Requirements).

(D) (No change.)

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall:

(A) (No change.)

(B) maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(a)(2); and

(C) (No change.)

(3) The owner or operator shall maintain, on file, the capture efficiency protocol submitted under §115.425(a)(4). The owner or operator shall submit all results of the test methods and capture efficiency protocols to TACB within 60 days of the actual test date. The source owner or operator shall maintain records of the capture efficiency operating parameter values on site for a minimum of one year. If any changes are made to capture or control equipment, the owner or operator is required to notify the executive director in writing within 30 days of these changes and a new capture efficiency and/or control device destruction or removal efficiency test may be required.

(4) [In accordance with the schedule referenced in §115.429(1), records] Records shall be maintained sufficient to document the applicability of the conditions for exemptions referenced in §115.427(a) of this title (relating to Exemptions).

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping

requirements shall apply.

(1) Any person affected by §115.421(b) shall satisfy the following recordkeeping requirements.

(A) A material data sheet shall be maintained which documents the volatile organic compound (VOC) content, composition, solids content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits.

(B) Records shall be maintained of the quantity and type of each coating and solvent consumed during the specified averaging period if any of the coatings, as delivered to the coating application system, exceed the applicable control limits. Such records shall be sufficient to calculate the applicable weighted average of VOC for all coatings.

(C) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(b)(1).

(D) Records required by subparagraphs (A)-(C) of this paragraph shall be maintained for at least two years and shall be made available upon request by representatives of the Texas Air Control Board (TACB), U.S. Environmental Protection Agency (EPA), or local air pollution control agency.

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(b)(3) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalytic bed;

(ii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month;

(iii) continuous monitoring of carbon adsorption bed exhaust to determine if breakthrough has occurred;

and

(iv) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities;

(B) maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(b)(2); and

(C) maintain all records at the affected facility for at least two years and make such records available to representatives of TACB, EPA, or local air pollution control agency, upon request.

(3) Records shall be maintained sufficient to document the applicability of the conditions for exemptions referenced in §115.427(b).

§115.427. Exemptions.

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth El Paso, and Houston/Galveston Areas** [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedule)], the following exemptions shall apply

(1) **Until July 31, 1993 in Brazoria, Galveston, Jefferson, or Orange Counties, surface** [Surface] coating operations located at any facility in Brazoria, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, or Victoria Counties] which, when uncontrolled, will emit a combined weight of volatile organic compounds (VOC) less than 550 pounds (249.5 kg) in any continuous 24-hour period are exempt from the provisions of §115.421(a) of this title (relating to Emission Specifications).

[(2) Surface coating operations located at any facility in Harris County which, when uncontrolled, will emit a combined weight of VOC less than 100 pounds (45.4 kg) in any continuous 24-hour period are exempt from the provisions of §115.421 of this title (relating to Emission Specifications).]

(2)[(3)] The following coating operations are exempt from the application of §115.421(a)(9) [of this title (relating to Emission Specifications)]:

(A) exterior of fully assembled aircraft, except as required by §115.421(a)(9)(A)(v) [of this title (relating to Emission Specifications)];

(B) automobile refinishing, except in Dallas and Tarrant Counties, as required by §115.421(a)(8)(B) and (C) [of this title (relating to Emission Specifications)];

tions)];

(C)-(E) (No change.)

(3)[(4)] The following coating operations are exempt from the application of §115.421(a)(10) [of this title (relating to Emission Specifications)]:

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

(4)[(5)] **In counties other than Dallas and Tarrant, architectural** [Architectural] coatings are exempt from the provisions of §115.421(a) (11) [of this title (relating to Emission Specifications) in Dallas and Tarrant Counties] if manufactured before **July 31, 1992** [December 31, 1988].

(5)[(6)] **In Dallas, El Paso, Harris, and Tarrant Counties, and after July 31, 1993 in counties other than Dallas, El Paso, Harris, and Tarrant** [in accordance with the schedule referenced in §115.429(1)], the following exemptions shall apply to surface coating operations [in Dallas, El Paso, Harris, and Tarrant Counties], except for aircraft prime coating controlled by §115.421(a)(9)(A)(v) [of this title (relating to Emission Specifications)] and automobile and truck refinishing controlled by §115.421(a)(8)(B) and (C)

(A) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of VOC of less than three pounds per hour and 15 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.421(a) and §115.423(a) of this title (relating to Alternate Control Requirements).

(B) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of VOC of less than 100 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.421(a) and §115.423(a) if documentation is provided to and approved by both the executive director of TACB and EPA to demonstrate that necessary coating performance criteria cannot be achieved with coating which satisfy applicable emission specifications and that control equipment is not technically or economically feasible.

(6)[(7)] The following coatings are exempt from the application of this undesignated head (relating to Surface Coating Processes):

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

(b) **For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.**

(1) Surface coating operations located at any facility which when uncontrolled will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period are exempt from the provisions of §115.421(b).

(2) The following coating operations are exempt from the application of §115.421(b)(9):

(A) exterior of fully assembled aircraft;

(B) automobile refinishing;

(C) customized (decorative) top coating of automobiles and trucks, if production is less than 35 vehicles per day;

(D) exterior of fully assembled marine vessels; and

(E) exterior of fully assembled fixed offshore structures.

(3) The following coating operations are exempt from the application of §115.421(b)(10):

(A) the manufacture of exterior siding;

(B) tile board; or

(C) article board used as a furniture component.

§115.429. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.421(a) of this title (relating to Emission Specifications), §115.422 of this title (relating to Control Requirements), §115.423(a) of this title (relating to Alternate Control Requirements), §115.424(a) of this title (relating to Inspection Requirements), §115.425(a) of this title (relating to Testing Requirements), §115.426(a) of this title (relating to Recordkeeping Requirements), and §115.427(a) of this title (relating to Exemptions) as soon as practicable but no later than July 31, 1993.

(b) All affected persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties shall be in compliance with §115.421(a)(9)(A) (v) and (a)(11) as soon as practicable, but no later than July 31, 1993.

(c) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.427(a)(5) as soon as practicable, but no later than July 31, 1993.

[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 Surface Coating Processes) in accordance with the following schedules.]

[(1) All compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Date); and

[(2) The following additional compliance schedules.]

[(A) All persons affected by changes from gallon of coating to gallon of solids and the addition of exempt solvents for calculating VOC content in §115.421 of this title (relating to Emissions Specifications) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

[(B) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.421(8)(C) and (D) of this title (relating to Emission Specifications) as soon as practicable, but no later than July 31, 1992.

[(C) All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.425(4) of this title (relating to Testing Requirements) and §115.426(2) (A)(iii) and (3) of this title (relating to Recordkeeping Requirements) as soon as practicable, but no later than July 31, 1992.]

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 January 17, 1992.

TRD-92009851 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

Graphic Arts (Printing) by Rotograve and Flexographic Processes

• 31 TAC §§115.432, 115.433,
115.435-115.437, 115.439

The Texas Air Control Board (TACB) proposes amendments to §§115.432, 115.433, 115.435-115.437, and 115.439, concerning graphic arts (printing) by rotogravure and flexographic processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to resolve potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for those three counties.

The proposed changes to §115.432, concerning control requirements, §115.433, concerning alternate control requirements, §115.435, concerning testing requirements; and §115.436, concerning recordkeeping requirements, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.437, concerning exemptions, lower the 100 tons per year exemption level for El Paso, Jefferson, and Orange Counties to 50 tons per year, lower the 100 tons per year exemption level for Brazoria, Galveston, and Harris Counties to 25 tons per year, change the basis for the 50 tons per year exemption in Dallas and Tarrant Counties to maximum production capacity, and remove potentially confusing cross-references. The proposed changes to §115.439, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties and new requirements, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with the expanded abatement, monitoring, and recordkeeping requirements and are estimated as follows: per facility control unit: \$0 for fiscal year (fy) 1992 and \$50,000 for fys 1993-1996; per volatile organic compound monitoring unit: \$0 for fy 1992 and \$15,000 for fys 1993-1996. Any costs continuing be-