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chiller or the carbon adsorber requirements in §115.412(a)(2)(D) (ii) and (iv) of this title (relating to Control Requirements).]

(4) [(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.

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

(1)-(4) (No change.)

[(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(b)(2)(D) (ii) and (iv) of this title.]

(5)[(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.

§115.419. Counties and Compliance Schedules. All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller counties shall continue to comply with this undesignated head (relating to Degreasing Processes) as required by §115.930 of this title (relating to Compliance Dates). [All affected polyester resin operations in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller counties shall be in compliance with §§115.412(a)(4), 115.416(a)(3) and (4), and 115.417(a)(3) of this title (relating to Control Requirements; Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than May 31, 1995.]

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 August 30, 1995.

TRD-9510949

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call. (512) 239-1970

Surface Coating Processes

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

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.421-115.423, 115.425-115.427, and 115.429, concerning Surface Coating Processes. The proposed changes to §115.421, concerning Emission Specifications, change the basis for all surface coating emission limitations from pounds of volatile organic compounds (VOC) per gallon of solids to pounds of VOC per gallon of coating (minus water and exempt solvent). This will provide the same emission limitations using different units of measurement which are more readily understood by the regulated community. The proposed changes to §115.421 also add current terminology ("high-bake coatings" and "low-bake coatings") to more clearly define operations which include "air or forced air driers." The term daily weighted average is defined, for clarity.

In addition, the proposed changes to §115.421, concerning Emission Specifications; §115.422, concerning Control Requirements; §115.426, concerning Monitoring and Recordkeeping Requirements; §115.427, concerning Exemptions; and §115.429, concerning Counties and Compliance Schedules, delete language which is obsolete due to the passage of a July 31, 1994 compliance date, update rule references, and change references from "automobile refinishing" to "vehicle refinishing (body shops)" for consistency with Standard Exemption 124. The change from "automobile refinishing" to "vehicle refinishing (body shops)" will enable owners or operators of some vehicle refinishing operations (such as bus and heavy-duty truck refinishing) to utilize the body shop requirements rather than the miscellaneous metal parts/products requirements.

The proposed changes to §115.422, concerning Control Requirements, and §115.423, concerning Alternate Control Requirements, also update a reference to §115.910 to reflect a title change. The proposed changes to §115.425, concerning Testing Requirements, correct a reference to a United States Environmental Protection Agency (EPA) guidance document. In addition, the proposed changes to §115.427 delete an exemption for customized (decorative) top coating of automobiles and trucks which is redundant because this coating category is already regulated under the exemption for vehicle refinishing (body shops) in the preceding subparagraph.

Stephen Minick, Strategic Planning and Appropriations Division, 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.

Mr Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more understandable and enforceable environmental regulation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-A1. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§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) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title affected by paragraphs (1)-(13) 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 and those in paragraph (11) of this subsection which are based on the VOC content of architectural coatings sold or offered for sale. For the purposes of this undesignated head (relating to Surface Coating Processes), daily weighted average means the total weight of VOC emissions from all coatings, divided by the total volume of all coatings applied each day.

(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 2.8 [4.5] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.34 kg/liter) [(0.54 kg/liter)].

(2) Metal furniture [Furniture] coating. VOC emissions from metal furniture coating lines (prime and topcoat, or single coat) shall not exceed 3.0 [5.1] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.36 kg/liter) [(0.61 kg/liter)].

(3) Coil coating. VOC emissions from the coating (prime and topcoat, or single coat) of metal coils shall not exceed 2.6 [4.0] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.31 kg/liter) [(0.48 kg/liter)].

(4) Paper coating. VOC emissions from the coating of paper (or specified tapes or films) shall not exceed 2.9 [4.8] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.35 kg/liter) [(0.57 kg/liter)].

(5) Fabric coating. VOC emissions from the coating of fabric shall not exceed 2.9 [4.8] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.35 kg/liter) [(0.57 kg/liter)].

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets shall not exceed 3.8 [7.9] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.45 kg/liter) [(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 coating (minus water and exempt solvent) [solids] delivered to the application system:

Figure 1: 30 TAC §115.421(a)(7)

(8) Vehicle coating [Automobile and light-duty truck coating].

(A) (No change.)

[(B) Until July 31, 1994 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% 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 (relating to Alternate Means of Control), and shall not exceed the following limits, as delivered to the application system:

(i) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for primers or primer/surfacers;

(ii) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) for acrylic enamel coatings;

(iii) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for alkyd enamel coatings;

(iv) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) for clear coatings;

(v) 6.2 pounds per gallon (0.74 kg/liter) of coating (minus water and exempt solvent) for base coatings;

(vi) 6.2 pounds per gallon (0.74 kg/liter) of coating (minus water and exempt solvent) for lacquers; and

(vii) 1.4 pounds per gallon (0.17 kg/liter) of wipe-down solutions.]

(B)[(C)] [After July 31, 1994,] VOC emissions from the coatings or solvents used in vehicle [automobile and truck] refinishing (body shops) as defined in §115.10 of this title shall not exceed the following limits, as delivered to the application system:

(i) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for primers or primer surfacers, as defined in §115.10 of this title;

(ii) 5.5 pounds per gallon (0.66 kg/liter) of coating (minus water and exempt solvent) for precoat, as defined in §115.10 of this title;

(iii) 6.5 pounds per gallon (0.78 kg/liter) of coating (minus water and exempt solvent) for pretreatment, as defined in §115.10 of this title;

(iv) 5.0 pounds per gallon

(0.60 kg/liter) of coating (minus water and exempt solvent) for single-stage top-coats;

(v) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for basecoat/clearcoat systems, as defined in §115.10 of this title;

(vi) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) for three-stage systems, as defined in §115.10 of this title;

(vii) 7.0 pounds per gallon (0.84 kg/liter) of coating (minus water and exempt solvent) for specialty coatings, as defined in §115.10 of this title;

(viii) 6.0 pounds per gallon (0.72 kg/liter) of coating (minus water and exempt solvent) for sealers, as defined in §115.10 of this title; and

(ix) 1.4 pounds per gallon (0.17 kg/liter) of wipe-down solutions, as defined in §115.10 of this title.

(C)[(D)] Additional control requirements for vehicle [automobile and truck] refinishing (body shops) [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) 4.3 [10.2] pounds per gallon (0.52 kg/liter) [(1.23 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;

(ii) 3.5 [6.7] pounds per gallon (0.42 kg/liter) [(0.81 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as a low-bake coating; or that utilizes air or forced air driers;

(iii) 3.5 [6.7] pounds per gallon (0.42 kg/liter) [(0.81 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as an extreme performance coating, including chemical milling maskants;

(iv) 3.0 [5.1] pounds per gallon (0.36 kg/liter) [(0.61 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system for all other coating applications, including high-bake coatings, that pertain to miscellaneous metal parts and products; and

(v) [In Dallas and Tarrant counties, and after July 31, 1993 in counties other than Dallas and Tarrant,] 3.5

[6.7] pounds per gallon (0.42 kg/liter) [(0.81 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as a prime coat for the exterior of aircraft

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

(10)-(11) (No change.)

(12) Surface coating of mirror backing.

(A) [After July 31, 1994,] VOC emissions from the coating of mirror backing shall not exceed the following limits for each surface coating application method:

(i) 4.2 [9.8] pounds per gallon (0.50 kg/liter) of coating (minus water and exempt solvent) [solids] delivered to a curtain coating application system;

(ii) 3.6 [7.1] pounds per gallon (0.43 kg/liter) of coating (minus water and exempt solvent) [solids] delivered to a roll coating application system.

(B) (No change.)

(13) (No change.)

(b) No person in 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 affected by paragraphs (1)-(9) [(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 (9) [(10)] of this subsection which are based on paneling surface area. For the purposes of this undesignated head (relating to Surface Coating Processes), daily weighted average means the total weight of VOC emissions from all coatings, divided by the total volume of all coatings applied each day.

(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 2.8 [4.5] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.34 kg/liter) [(0.54 kg/liter)]

(2) Metal furniture [Furniture] coating. VOC emissions from metal furniture coating lines (prime and topcoat, or single coat) shall not exceed 3.0 [5.1] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.36 kg/liter) [(0.61 kg/liter)].

(3) Coil coating. VOC emissions from the coating (prime and topcoat, or single coat) of metal coils shall not exceed 2.6 [4.0] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.31 kg/liter) [(0.48 kg/liter)].

(4) Paper coating. VOC emissions from the coating of paper (or specified tapes or films) shall not exceed 2.9 [4.8] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.35 kg/liter) [(0.57 kg/liter)].

(5) Fabric coating. VOC emissions from the coating of fabric shall not exceed 2.9 [4.8] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.35 kg/liter) [(0.57 kg/liter)].

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets shall not exceed 3.8 [7.9] pounds per gallon of coating (minus water and exempt solvent) [solids] delivered to the application system (0.45 kg/liter) [(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 coating (minus water and exempt solvent) [solids] delivered to the application system: Figure 2: 30 TAC §115.421(b)(7)

(8) 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) 4.3 [10.2] pounds per gallon (0.52 kg/liter) [(1.23 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;

(ii) 3.5 [6.7] pounds per gallon (0.42 kg/liter) [(0.81 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as a low-bake coating; or that utilizes air or forced air driers;

(iii) 3.5 [6.7] pounds per gallon (0.42 kg/liter) [(0.81 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system as an extreme performance coating, including chemical milling maskants; and

(iv) 3.0 [5.1] pounds per gallon (0.36 kg/liter) [(0.61 kg/liter)] of coating (minus water and exempt solvent) [solids] delivered to the application system for all other coating applications, including

high-bake coatings, that pertain to miscellaneous metal parts and products; [and]

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

(9) (No change.)

§115.422. Control Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply.

(1) [In Dallas and Tarrant counties, and after July 31, 1994 in ozone nonattainment counties other than Dallas and Tarrant, the] The owner or operator of each vehicle [any automobile] refinishing (body shop) operation shall minimize volatile organic compound emissions during equipment clean-up by utilizing the following procedures:

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

(2) [After July 31, 1994, automobile] Each vehicle [and truck] refinishing (body shop) operation [operations] shall use coating application equipment with a transfer efficiency of at least 65%, unless otherwise specified in an alternate means of control approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control). High-volume low-pressure (HVLP) spray guns, as defined in §115.10 of this title (relating to Definitions), are assumed to comply with the 65% transfer efficiency requirement.

(3) (No change.)

§115.423. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following alternate control requirements may apply:

(1) Emission calculations for surface coating operations performed to satisfy the conditions of §101.23 of this title, §115.910 of this title (relating to Availability of Alternate Means of Control), or other demonstrations of equivalency with the specified emission limits in this section shall be based on the pounds of volatile organic compounds (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 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(3)-(4) (No change.)

(b) For all affected persons in Gregg, Nueces, and Victoria counties, the following alternate control requirements 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 Availability of 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 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(3)-(4) (No change.)

§115.425. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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)-(B) (No change.)

(C) U.S. Environmental Protection Agency (EPA) guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds (VOC) Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-019 [EPA-450/3-84-011], as in effect December, 1984;

(D)-(E) (No change.)

(2)-(4) (No change.)

(b) For Gregg, Nueces, and Victoria counties, the following testing requirements shall apply:

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

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

(C) EPA guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-019 [EPA-450/3-84-011], as in effect December, 1984;

(D)-(E) (No change.)

(2) (No change.)

§115.426. Monitoring and Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, 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) (No change.)

(B) Records shall be maintained of the quantity and type of each coating and solvent consumed during the specified averaging period. Such records shall be sufficient to calculate the applicable weighted average of VOC for all coatings. As an alternative to the recordkeeping requirements of this subparagraph, any vehicle [automobile and truck] refinishing (body shop) operation [operations] affected by §115.421(a)(8)(B) [§115.421(a)(8)(B) and (C)] of this title may substitute the recordkeeping requirements specified in Standard Exemption 124 [the applicable standard exemption for automobile and truck refinishing operations] as referenced in §116.211 of this title (relating to Standard Exemption List).

(C)-(D) (No change.)

(2)-(4) (No change.)

(b) (No change.)

§115.427. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply:

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

(A) (No change.)

(B) vehicle [automobile] refinishing (body shops), except as required

by §115.421(a)(8)(B) and (C) [§115.421(a)(8)(B) -(D)] of this title; [and]

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

(C)[(D)] exterior of fully assembled marine vessels; and

(D)[(E)] exterior of fully assembled fixed offshore structures.

(2) (No change.)

(3) The following exemptions shall apply to surface coating operations, except for aircraft prime coating controlled by §115.421(a)(9)(A)(v) of this title and vehicle [automobile and truck] refinishing (body shops) controlled by §115.421(a)(8)(B) and (C) of this title.

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

(4) (No change.)

(5) Automobile refinishing facilities in Hardin, Jefferson, and Orange counties are exempt from the requirements of §115.421(a)(8)(B) [§115.421(a)(8)(C)] of this title and §115.422(1) and (2) of this title (relating to Control Requirements).

[(6) Until July 31, 1994, automobile refinishing facilities in Brazoria, Chambers, Collin, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties are exempt from the requirements of §115.421(a)(8)(C) of this title and §115.422(1) and (2) of this title.]

(b) For Gregg, Nueces, and Victoria counties, the following exemptions shall apply:

(1) (No change.)

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

(A) (No change.)

(B) vehicle [automobile] refinishing (body shops);

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

(C)[(D)] exterior of fully assembled marine vessels; and

(D)[(E)] exterior of fully assembled fixed offshore structures.

(3) (No change.)

§115.429. Counties and Compliance Schedules.

[(a) All affected mirror backing coating facilities in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, 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 Monitoring and Recordkeeping Requirements), and §115.427(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1994.

[(b) All automobile refinishing facilities in Dallas and Tarrant counties shall be in compliance with §115.421(a)(8)(C) of this title as soon as practicable, but no later than July 31, 1994.

[(c) All automobile refinishing facilities in Brazoria, Chambers, Collin, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties shall be in compliance with §115.421(a)(8)(C) of this title and §115.422(1) and (2) of this title as soon as practicable, but no later than July 31, 1994.

[(d)] All wood parts and products surface coating affected by §115.421(a)(13) of this title (relating to Emission Specifications) in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller counties shall be in compliance with this undesignated head (relating to Surface Coating Processes) as soon as practicable, but no later than November 15, 1996.

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 August 30, 1995.

TRD-9510950 Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call: (512) 239-1970

Graphic Arts (Printing) by Rotogravure and Flexographic Processes

• 30 TAC §§115.433,
115.435-115.437, 115.439

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.433, 115.435-115.437, and 115.439, concerning Graphic Arts (Printing) by Rotogravure and Flexographic Processes. The proposed changes to §115.433, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed changes to §115.435, concerning Testing Requirements, correct a reference to a United States Environmental Protection Agency (EPA) guidance document. The proposed changes to §115.436, concerning Monitoring and Recordkeeping Requirements, correct an unintended loophole by which exempted printing operations are not currently required to maintain records (for example, ink and solvent usage records) to document qualification for exemption status, resulting in difficulty in enforcement. The proposed changes to §115.437, concerning Exemptions, delete language which is obsolete due to the passage of a July 31, 1993 compliance date. The proposed changes to §115.439, concerning Counties and Compliance Schedules, update rule references.

Stephen Minick, Strategic Planning and Appropriations Division, 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.

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more understandable and enforceable environmental regulation. There will be minimal or no effect on small businesses, persons, and businesses who are required to comply with the sections as proposed. The proposed requirement to maintain ink and solvent usage records will have minimal fiscal impact, since most companies already maintain such records.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the

Texas Register. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-AI. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.433. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.435. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance shall be determined by applying the following test methods, as appropriate:

(1)-(4) (No change.)

(5) U.S. Environmental Protection Agency (EPA) guidelines series document "Procedures for Certifying Quantity of